

NATIONAL TRANSPORTATION SAFETY BOARD

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IN RE: :
   
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THE EL FARO INCIDENT OFF THE: NTSB Accident No.
   
COAST OF THE BAHAMAS ON : DCA16MM001
   
OCTOBER 1, 2015 :
   
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INTERVIEW OF: JOHN LAWRENCE

Tuesday,
   
October 13, 2015

Jacksonville, Florida

BEFORE:

MIKE KUCHARSKI, NTSB
   
BRIAN YOUNG, NTSB
   
CARRIE BELL, NTSB
   
LOUIS O'DONNELL, ABS
   
KEVIN STITH, TOTE Services
   
LEE PETERSON, TOTE Services
   
MELISSA SERRIDGE, TOTE Services
   
[REDACTED] [REDACTED] U.S. Coast Guard
   
JASON NEUBAUER, U.S. Coast Guard
   
LCDR [REDACTED] [REDACTED] U.S. Coast Guard
   
[REDACTED] [REDACTED] U.S. Coast Guard
   
AL SHEPHERD, ABS

PRESENT ON BEHALF OF THE INTERVIEWEE:

MIKE TANNER, ESQ., Tanner Bishop

This transcript was produced from audio
   
provided by the National Transportation Safety Board.

1 P-R-O-C-E-E-D-I-N-G-S

2 MR. KUCHARSKI: Good afternoon everyone. My  
3 name is Mike Kucharski. I'm with the NTSB and I'm the  
4 Group Chairman for the Operations Sector, mainly  
5 nautical operations section for the NTSB relating to  
6 the incident, recent incident with the El Faro ROLO  
7 vessel.

8 The reason we're here is to interview John  
9 Lawrence. And John before I go further, I have the  
10 recorder on. Do you have any problems with us  
11 recording this?

12 MR. LAWRENCE: No.

13 MR. KUCHARSKI: This will be transcribed,  
14 this recording. You can request a copy of that  
15 transcription. If you do, you will be offered a chance  
16 to suggest changes to errata sheet. We will review  
17 them and make appropriate changes if needed.

18 MR. LAWRENCE: Understood.

19 MR. KUCHARSKI: The purpose of this  
20 investigation is to increase safety, not really to  
21 assess liability, blame, or fault. The NTSB though  
22 cannot offer any guarantee of confidentiality or  
23 immunity from legal or license actions. Let me stop  
24 there. We have no enforcement capabilities but this  
25 interview will be part of the public record. It's in

1 our docket system. Your name will appear on there.  
2 Just so you know, there's no social security number or  
3 anything like that but personal information we guard,  
4 we redact that. But it will be part of the docket.

5 You as the interviewee can have one personal  
6 representative. The personal representative does not  
7 testify on your behalf but you're welcome to consult  
8 with the personal representative that you've chosen  
9 before you answer. If there's any clarification,  
10 lengthy clarification that needs to be made, I will  
11 stop the recording, we'll go off the record. We can  
12 discuss it and then it'll go back on the record.

13 And I say that, if it seems like there's a  
14 confusion about what the form of the question or  
15 whatever it may be, it's not to, it's not a win or lose  
16 situation. We want to make sure we understand clearly  
17 what you want to say and that our questions are clear  
18 to you. Understood?

19 Your personal representative also will not  
20 be allowed to or be limited to any objections. He  
21 really can't object. Let me back up, can object. It  
22 really doesn't change our right to question, we will  
23 continue. Do you have any questions so far?

24 MR. LAWRENCE: No, sir.

25 MR. KUCHARSKI: Okay. So we'll start the

1 actual interview. First off, Mr. Lawrence would you  
2 spell your name?

3 MR. LAWRENCE: First name J-O-H-N, last name  
4 L-A-W-R-E-N-C-E.

5 MR. KUCHARSKI: Would you give us your  
6 background? Oh I'm sorry, yes. Let me go around the  
7 table and introduce all the, ask all the people that  
8 are here to introduce themselves starting on your left.

9 TANNER: Mike Tanner, representative for  
10 Captain Lawrence.

11 MR. YOUNG: I'm Brian Young. I'm the  
12 Engineering Group Chairman for the NTSB.

13 MR. O'DONNELL: Louis O'Donnell, Assistant  
14 Chief Surveyor, ABS and part of the Engineering Group.

15 MS. BELL: Carrie Bell, Human Performance  
16 Group Chair, NTSB.

17 MR. STITH: Kevin Stith with TOTE Services  
18 on the Operations Group.

19 MR. PETERSON: Lee Peterson, Director of  
20 Marine Services with TOTE Services (inaudible)  
21 representative.

22 MS. SERRIDGE: Melissa Serridge, TOTE  
23 Services. I'm part of a Human Performance Group.

24 MR. [REDACTED] [REDACTED] [REDACTED] Coast Guard  
25 civilian investigator, Human Performance Group.

1 MR. NEUBAUER: Captain Jason Neubauer. I'm  
2 the lead Coast Guard investigator.

3 MR. SHEPHERD: Al Shepherd. I'm with the  
4 American Bureau of Shipping, our corporate management  
5 systems division. And I'm with the Human Performance  
6 Group.

7 LCDR [REDACTED] [REDACTED] [REDACTED] U.S. Coast Guard,  
8 with the Engineering Group.

9 MR. [REDACTED] [REDACTED] [REDACTED] with the Coast  
10 Guard. I'm with the Operations Group.

11 MR. KUCHARSKI: Okay. Thank you group.  
12 Thank you everyone. Mr. Lawrence, could you give us  
13 your background, marine type background that prepared  
14 you for this job or brought into this job?

15 MR. LAWRENCE: Okay. I attended the U.S.  
16 Merchant Marine Academy at Kings Point, New York,  
17 graduated in 1975. And I sailed on various, mostly  
18 deep sea merchant vessels for approximately 14 years,  
19 the last few years as Captain.

20 Then I came ashore in 1989, worked for  
21 Maritime Overseas as a Port Captain out of Manhattan,  
22 New York home base. And from there I went, took a job  
23 with Alaska Tanker Company which was partly made up by  
24 OSG, Maritime Overseas as well.

25 And there was an opportunity for a promotion

1 for me and to move to the other side of the company. I  
2 was team leader for HSE for Alaska Tanker Company for  
3 approximately six and a half years. And then I took an  
4 opportunity with K-SEA Transportation, a tug and barge  
5 company out of Staten Island, New York.

6 And I finished my position there. When I  
7 left, I was Vice President of HSQE, health safety,  
8 quality, and environment. We were purchased by Kirby,  
9 another company, and they basically eliminated my  
10 position and the entire corporate office eventually.

11 So this opportunity came to me with TOTE  
12 Services. I took this job in February 2014, a little  
13 over a year and a half ago.

14 MR. KUCHARSKI: Okay. You mentioned that  
15 you sailed 14 years, four as Master.

16 MR. LAWRENCE: About two, a little over two  
17 years.

18 MR. KUCHARSKI: Two years as a Master. What  
19 vessels did you serve as Master?

20 MR. LAWRENCE: The Overseas Natalie was my  
21 first ship. Then I also was the Overseas Marilyn and  
22 the Overseas Alaska and the Overseas New York.

23 MR. KUCHARSKI: And those were, those four  
24 ships?

25 MR. LAWRENCE: The three of them were. The

1 Overseas Natalie was a tanker and the Overseas New York  
2 was a tanker and the Overseas Alaska was a tanker. The  
3 Overseas Marilyn was a bulk carrier, bulk and break  
4 bulk.

5 MR. KUCHARSKI: And were all those ships in  
6 full operation?

7 MR. LAWRENCE: Yes.

8 MR. KUCHARSKI: Of those, time where you  
9 were Master, how many rough seas, above a sea state of  
10 say six, were you Master of?

11 MR. LAWRENCE: I cannot recall.

12 MR. KUCHARSKI: Where were the runs that you  
13 were on?

14 MR. LAWRENCE: Mostly the tankers were --  
15 well the Overseas Natalie was mostly on a run from  
16 Panama to Puerto Rico and then up to the Gulf of Mexico  
17 and most of those ports there. The other two tankers,  
18 the Overseas New York and the Overseas Alaska in the  
19 same type of run. They were basically in the Gulf of  
20 Mexico U.S. ports.

21 They're all (inaudible) Jones Act ships.  
22 The Overseas Marilyn, basically around the world,  
23 different places there. I went to South Africa,  
24 Durban, made one tour there. Then we went to San  
25 Salvador, El Salvador, two trips there. And I'm trying

1 to remember -- I think that was it on that ship there.

2 MR. KUCHARSKI: Have you ever handled one of  
3 those ships in a hurricane or a full storm condition?

4 MR. LAWRENCE: Not as Master. I've been  
5 Chief Mate on vessels that were in, you know, typhoons  
6 and hurricanes. But I cannot recall if I was on any of  
7 those as Master. I mean, had a lot of heavy weather at  
8 times but I cannot if it was hurricane force or any  
9 specific hurricane.

10 MR. KUCHARSKI: Did you notice any  
11 difference the way a ship flexed in the hull or the way  
12 it operated, the differences between tankers and  
13 bulkers?

14 MR. LAWRENCE: I think it depends on the  
15 size of the ship. You know, tankers we used to see  
16 they were typically lower in the water. You'd get a  
17 lot of wash at times depending on the sea state. You'd  
18 have, sort of depending again on the size of ship  
19 there, a lot more flex, a lot more pounding that you  
20 would have to reduce by reducing speed and possibly  
21 direction.

22 The freighter was a little, a smaller ship.  
23 I think it was roughly six to seven hundred feet long.  
24 Still have conditions of pounding. But again, each  
25 ship has its own specialty as far as the operation and



1       what it does in seas and weather.

2                       I was on a heavy lift ship for a number of  
3       years as Chief Mate that had a flat bottom. And we'd  
4       take a lot of seas over the stern that would determine  
5       how we'd have to maneuver the vessel in heavy seas. So  
6       to me, every vessel is a little distinctive as far as  
7       the construction and how they handle the rough weather.

8                       MR. KUCHARSKI: Allow me to be a little bit  
9       more direct then. How about high speed type vessels  
10      like container ship or a ship like the TOTE ships? The  
11      Sea Star ships which are capable of doing 20 plus  
12      knots.

13                      MR. LAWRENCE: I think the fastest ship I  
14      was on was about 16 knots.

15                      MR. KUCHARSKI: Sixteen knots. And was it a  
16      container type ship?

17                      MR. LAWRENCE: No it was one of the tankers,  
18      you know, they're freighters.

19                      MR. KUCHARSKI: Let me stop there. Any  
20      questions at this juncture? Okay. Let's move forward  
21      now to your current position. Could you tell us what  
22      that is? And then the day to day type duties and then  
23      the overall duties that you perform.

24                      MR. LAWRENCE: Okay. My title is Manager of  
25      Safety and Operations. My responsibilities, I have

1 quite a few hats I guess you could say. Let me say up  
2 front there, I think the title, our titles may be a  
3 little misleading as far as to the actual  
4 responsibilities of the position. So to me, it's based  
5 more on the responsibilities of the position, not so  
6 much the titles.

7 One hat I wear is on the safety side as the  
8 designated person of the company. Designated person is  
9 required by our ISM, International Safety Management  
10 code. In that position there, I'm the liaison between  
11 the vessels and the office. I don't know if you want  
12 me to go in to explain exactly what these different  
13 positions mean as far as --

14 MR. KUCHARSKI: Sure. Would you please?

15 MR. LAWRENCE: -- as far as my  
16 understanding. Sure. Designated person is again, many  
17 responsibilities but their main responsibility is in  
18 being the conduit between the vessels and the ships as  
19 far as issues of safety and environmental protection.

20 I have to have a direct line to the highest  
21 management of the company, meaning the President of the  
22 company for that role. I have to have access to him.  
23 The information on the ships as far as the designated  
24 person, and what I instructed when I go on the ships  
25 and talk to any of our employees, is that I'm available

1 if you have any issues. Safety or environmental issues  
2 onboard the vessel that you feel are endangering the  
3 vessel or yourself, your persons and safety or the  
4 environment.

5 You should bring it to your supervisor on  
6 the vessel. Try to go as far as you can within the  
7 vessel's chain of command. If you cannot get the  
8 problem cured within the chain of command or if it's a  
9 chain of command, say the Master or Senior Officer  
10 that's causing this problem, then you can bring it to  
11 me shoreside.

12 My name is posted all over each vessel with  
13 my cell phone number so they can call me direct. Or  
14 they can call the company and ask for the designated  
15 person and everybody should know who the designated  
16 person is. It doesn't necessarily have to have my name  
17 up there. It could just say designated person and  
18 everybody on the ship should be aware of the designated  
19 person position.

20 However, this company puts my name  
21 underneath that as designated person and my telephone  
22 number. And what I explain to the crews is that, if  
23 you call me, if it's an issue that you would like to be  
24 confidential, I will intend and I will try to keep it  
25 confidential as much as can be confidential on a small

1 ship because it may come out.

2 Once you report something to me, there's  
3 always that possibility that it may not be  
4 confidential. However, I will attempt to keep it  
5 confidential. I may even tell the President of the  
6 company that we have an issue on a ship and basically  
7 what the issue is, and not tell him the name of the  
8 person at that time if the person wishes to keep it  
9 confidential.

10 A number of times I will tell the person  
11 too, you may have to give me additional information.  
12 And in order for me to, you know, to attend to this  
13 problem and we can't keep it confidential. The other  
14 thing I tell them is my responsibility as designated  
15 person, my legal responsibility as far as I'm  
16 concerned, within the ISM system too, investigate and  
17 follow up on any designated person complaint to me.

18 I'll also tell them that many of the issues  
19 that I would get as a designated person may typically  
20 be really something that is a human resource issue, a  
21 harassment or I'm not getting enough overtime. And  
22 I've received calls like that, more of calls like that  
23 over my career because I've been designated person for  
24 various companies.

25 And I tell them that, feel free to call me

1 if you don't know who else to call for issues like  
2 that. And I'll make sure it gets pushed to the right  
3 direction. So that's my -- and the other part of the  
4 duties off the ship for designated person is oversight  
5 of our safety management system.

6 Ensuring that our safety management system  
7 works, ensuring that we have the proper resources to  
8 make it work, and ensuring the upkeep and that it's  
9 maintained properly. So that's one hat as designated  
10 person.

11 MR. KUCHARSKI: Any questions, just related  
12 to the overall duties? Because we will get into the  
13 safety management system. I have detailed questions.

14 MR. YOUNG: Brian Young with the NTSB. Do  
15 you have any training in terms of ISO, ISM auditing  
16 capability? Lead auditor or any other classes that  
17 you've taken?

18 MR. LAWRENCE: Yes I'm in charge of the  
19 auditing process with the company. I've had the formal  
20 training years ago that I've just continued doing  
21 audits. So that's kept up my training. I would have  
22 to check my certificate, I do have a certificate. If I  
23 remember correctly, it was an ABS course. I'm not 100  
24 percent sure of that. I'd have to check that.

25 But yes, I've had the oversight of -- that's

1 part of our ISM system. You know, I have oversight of  
2 our safety management system, internal auditing. And  
3 external auditing by class or regulatory authority is  
4 also my responsibility, to make sure it's getting  
5 accomplished.

6 I don't necessarily conduct all the audits  
7 myself even though I'm trained to do that. I may hire  
8 third party auditors or persons within the company that  
9 have had auditor training to do the internal audits.  
10 So it varies.

11 MR. YOUNG: Thank you.

12 MS. BELL: Carrie Bell, NTSB. Are you also  
13 responsible for the Emergency Response Team and their  
14 training?

15 MR. LAWRENCE: Yes. As I said, I have a  
16 number of hats. Another one is, you know, company  
17 security officer, designated employee representative  
18 for drug and alcohol program. And the Emergency  
19 Response Team Coordinator is also my responsibility.

20 MS. BELL: So are you responsible for doing  
21 the training with the people that are on that team?

22 MR. LAWRENCE: As I said, I'm fairly new  
23 with this company. So most of the persons on that team  
24 were with the company before. So I'm not 100 percent  
25 sure of the training they had prior to me joining the

1 company. But yes, I'd say it's my responsibility to  
2 make sure that the people on the Emergency Response  
3 Team are qualified to be on that team.

4 MS. BELL: Thank you.

5 MR. KUCHARSKI: Any other questions, broad  
6 questions? Mr. Lawrence, how long did you say you've  
7 actually been with the company?

8 MR. LAWRENCE: I started in February of  
9 2014.

10 MR. KUCHARSKI: So about a year and a half?

11 MR. LAWRENCE: Correct.

12 MR. KUCHARSKI: Who is your direct report?

13 MR. LAWRENCE: Lee Peterson. He's the  
14 Director of Marine Services.

15 MR. KUCHARSKI: And any other day to day  
16 duties? So we've covered SMS, you're DPA. Any other  
17 day to day duties?

18 MR. LAWRENCE: There's a lot of them. It's  
19 basically everything associated with what we just  
20 talked about. I mean, there's a lot of things  
21 associated with the safety management system. There's  
22 a lot in the auditing process. We have a large fleet.  
23 It's, you know, 27 plus ships there.

24 So each one of those pieces of the fleet has  
25 different audit procedures. I'm also in charge of the

1 vessel response plans, the water pollution response  
2 plans on the various vessels. Like I said, I'm also  
3 the company security officer.

4 And each vessel, each set of vessels  
5 depending if they're government vessels or commercial  
6 vessels have different plans associated with them and  
7 different type plans. The government vessels, actually  
8 I am not the -- actually that's another duty I forgot  
9 to mention, the qualified individual.

10 I'm one of the three qualified individuals  
11 for TOTE Services as well. So I'm responsible for, if  
12 I'm called to work with a water pollution case there.  
13 I'm basically on oil spill response team involved in a  
14 specific response. Then a qualified individual has the  
15 authority of the company to basically spend all its  
16 money to make sure that the oil is cleaned up. In a  
17 nice way of putting that.

18 MR. KUCHARSKI: And so I understand the  
19 structure a little bit, you're the DPA for TOTE  
20 Services. Does that include the government vessels?

21 MR. LAWRENCE: Yes it does.

22 MR. KUCHARSKI: All the vessels commercial  
23 and government?

24 MR. LAWRENCE: Yes. Let me step back, we do  
25 have two ships that we provide crews on that ship,



1 (inaudible) ships where they do not utilize our safety  
2 management system. They just utilize our crew so I'm  
3 not the designated person for those ships. So it  
4 depends on the contracts we have with the various  
5 units.

6 MR. KUCHARSKI: You mentioned, I'm going to  
7 go back just a second. You said you were Port Captain  
8 for Maritime Overseas?

9 MR. LAWRENCE: For ten years, correct.

10 MR. KUCHARSKI: For ten years. How would  
11 you compare your position at Maritime Overseas as Port  
12 Captain to your position here as Director of Safety --  
13 I'm sorry, as Manager of Safety and Operations.

14 MR. LAWRENCE: Well it's a different setup,  
15 different organizational setup. At TOTE Services, we  
16 do not have any Port Captains in the organization for  
17 the vessel. We have one Port Captain for one specific  
18 unit but no Port Captain positions that oversee all the  
19 various vessels.

20 Whereas at Maritime Overseas, we had a Port  
21 Captain and a Port Engineer for every vessel or for a  
22 number of vessels. So there we had, I think four,  
23 roughly four to five Port Captains. And each one of us  
24 was assigned a number of vessels that we were  
25 responsible for.

1                   And that responsibility included safety and  
2                   environmental -- actually we had a separate  
3                   environmental person that did the environmental plans,  
4                   the vessel response plans at Maritime Overseas. But as  
5                   far as safety, the Port Captains oversaw all the safety  
6                   responsibilities with the vessels including safety  
7                   equipment and auditing, safety audits.

8                   Anything to do with the ISM system and any  
9                   regulatory issues that would come up too. Compliance  
10                  issues that the Port Captain would be responsible for  
11                  versus the Port Engineer who would have all the  
12                  technical management of the vessel and that side.

13                 MR. KUCHARSKI: In your current position, do  
14                 you handle navigational matters?

15                 MR. LAWRENCE: No. And let me say, because  
16                 of my experience, I may be questioned on certain  
17                 things, you know, just as part of the team. But I do  
18                 not have any direct responsibilities for that.

19                 MR. KUCHARSKI: As Port Captain for Maritime  
20                 Overseas, did you have some responsibility for  
21                 navigational type issues?

22                 MR. LAWRENCE: Yes.

23                 MR. KUCHARSKI: Let me ask you specifically,  
24                 do you see the voyage plans that come in for these  
25                 vessels?

1 MR. LAWRENCE: Which company? This one  
2 here?

3 MR. KUCHARSKI: Yes, sorry. That was like a  
4 trick question. Yes for TOTE Services.

5 MR. LAWRENCE: TOTE Services, no.

6 MR. KUCHARSKI: How about at Maritime  
7 Overseas? Did you see the voyage plans?

8 MR. LAWRENCE: Not necessarily. And again,  
9 that was because it was a different setup. You know,  
10 our charters would be more involved in the voyage plans  
11 that we would. We would be more involved in the after  
12 voyage information coming up from the previous trips,  
13 making sure that it gets, you know, gets put into the  
14 right documents for the charters.

15 MR. KUCHARSKI: Are you aware the vessels  
16 send in their log book pages on a monthly basis?

17 MR. LAWRENCE: In TOTE Services?

18 MR. KUCHARSKI: Yes.

19 MR. LAWRENCE: No.

20 MR. KUCHARSKI: Okay. So it's safe to say  
21 that you don't review those?

22 MR. LAWRENCE: Correct.

23 MR. KUCHARSKI: Stop there. Any questions?

24 MR. [REDACTED] [REDACTED] [REDACTED] Coast Guard.  
25 Could you elaborate on why you don't utilize a Port

1 Captain within your organization?

2 MR. LAWRENCE: No I can't. It's just the --  
3 you know, I basically came into the company and this is  
4 the organizational setup they have. Where they have  
5 Port Engineers, apparent to me the Port Engineers do  
6 more of the combination of the jobs that the Port  
7 Captains and Port Engineers would do in other companies  
8 I've seen.

9 MR. [REDACTED] So a follow up would be, who  
10 is required to provide oversight for operational safety  
11 onboard the vessels?

12 MR. LAWRENCE: The Master. I mean,  
13 realistically, as far as following our procedures, our  
14 safety procedures we have within our management system,  
15 it's the Master's ultimate responsibility of the safety  
16 of the vessel.

17 MR. [REDACTED] Okay. So who would provide  
18 oversight for the fleet of vessels? To provide  
19 comparisons in the way they do that and so forth.

20 MR. LAWRENCE: Well for safety purpose,  
21 again as I have oversight on the safety management  
22 system and the ISM system, our manuals provide that  
23 oversight. We send out various memos from time to time  
24 for our safety programs, statistics, our safety  
25 statistics. But a lot of issues to do and to improve

1       our safety culture as we go along.

2                       So that would typically be mostly on my  
3       plate. But it can also be our Directors of Ship  
4       Management, it can be our Port Engineers. It's what I  
5       consider a team effort. I've always said that nobody  
6       is directly the only person in charge, we're all part  
7       of safety in the company.

8                       MR. KUCHARSKI: This is Mike Kucharski.  
9       We're going to cover the safety management system in  
10      specificity. But right now, broad questions.

11                      MR. SHEPHERD: Yes, I have a broad question.  
12      Al Shepherd, American Bureau of Shipping. John, you  
13      mentioned you did DPA amongst a variety of other  
14      things, a lot of things, a lot on your plate. Is there  
15      an Assistant DPA?

16                      MR. LAWRENCE: Basically Lee Peterson is my  
17      Assistant DPA if I'm on vacation and the few times that  
18      we've assigned an assistant at the time.

19                      MR. SHEPHERD: And is that record in some  
20      way? Either in memos that go out to the ships or  
21      something?

22                      MR. LAWRENCE: Typically an email. I'll  
23      send an away email and it will say contact Lee Peterson  
24      if you --

25                      MR. SHEPHERD: Okay. So it's situational?

1 When you know you're going to be away, you'll send an  
2 email?

3 MR. LAWRENCE: Correct.

4 MR. SHEPHERD: So other than when you're  
5 gone, you're the DPA?

6 MR. LAWRENCE: Correct.

7 MR. SHEPHERD: When you go out of town or  
8 when you're away, then you send an email?

9 MR. LAWRENCE: It depends on the situation.  
10 If I'm still on business, I still have my phone which  
11 has the same number that's posted on the ships. So I  
12 basically feel I'm still on call unless I'm going  
13 someplace where I'm out of reach or out of contact or I  
14 don't want to be contacted.

15 MR. SHEPHERD: Thank you.

16 LCDR [REDACTED] [REDACTED] [REDACTED] U.S. Coast Guard. As  
17 DPA, you stated that you report to Lee?

18 MR. LAWRENCE: Yes, sir.

19 LCDR [REDACTED] Do you have access to all levels  
20 of management throughout the company as a DPA?

21 MR. LAWRENCE: Yes, sir.

22 LCDR [REDACTED] Or anybody that you could  
23 contact if you had an issue?

24 MR. LAWRENCE: Yes, sir.

25 LCDR [REDACTED] All the way to the top?

1 MR. LAWRENCE: Yes, sir.

2 LCDR [REDACTED] All right. Thank you.

3 MR. O'DONNELL: One quick question. Lou  
4 O'Donnell with ABS. You mentioned there's three  
5 qualified individuals at TOTE. Who are the other two  
6 qualified individuals besides yourself John?

7 MR. LAWRENCE: The two Vice Presidents,  
8 Mitch Walker who is Vice President of the government  
9 vessels and Phil Morrell who is Vice President on the  
10 commercial side.

11 MR. O'DONNELL: Thank you.

12 MR. LAWRENCE: And I should say too, is we  
13 also have listed Gallagher Marine Services who is in  
14 our plan as well as an alternate QI. So the first call  
15 would come to one of us three typically. And if they  
16 can't reach us, then they go to Gallagher Marine.

17 MR. O'DONNELL: Thank you.

18 MR. LAWRENCE: And if we had a big issue, we  
19 engage them right away anyway.

20 MR. O'DONNELL: No further questions.

21 MS. BELL: Carrie Bell, NTSB. So when you  
22 have these -- you have other people that are qualified  
23 individuals. When you are going to go off duty, do you  
24 do any kind of drills or anything like that so that  
25 other people know what the procedures are going to be

1 when you're gone?

2 MR. LAWRENCE: The procedures for what?

3 MS. BELL: For who answers the call and what  
4 the process is from there, who they report to.

5 MR. LAWRENCE: Yes. Well they call, the  
6 ship's may call our call center number and ask for a  
7 QI. That's one of the first questions that the call  
8 center person will ask them. Is this an emergency or  
9 do you want a QI? And if it's not one of those, then  
10 they go into some other questions about personnel. You  
11 know, who else do you need to contact in the company?

12 So QI is a choice and the call center will  
13 go right down the list, starting with me, of the three  
14 QIs. And then to Gallagher Marine if they can't reach  
15 us right away. Also, it's in all our manuals. It's in  
16 all of our plans, the QIs in our vessel response plans  
17 are all listed there with our main and alternate  
18 numbers.

19 And the vessels have to do a quarterly drill  
20 where they do a quarterly -- it's required for our  
21 vessel response plan to do a quarterly QI drill where  
22 they have to contact by voice a QI. So I may get that  
23 call right away. If I'm not available, a lot of times  
24 they'll actually call Gallagher and get through to them  
25 or one of the other, Mitch Walker or Phil Morrell. So



1 that's a quarterly requirement of our plans.

2 MS. BELL: So are those scheduled so you  
3 know when they're going to call you?

4 MR. LAWRENCE: No. They call just, they  
5 have to make a quarterly call. And they'll just pick  
6 up the phone and have to establish contact with a QI.

7 MS. BELL: And from there, the QI, the  
8 response process, is that also --

9 MR. LAWRENCE: For the drill?

10 MS. BELL: Yes.

11 MR. LAWRENCE: Well we have, in our manual  
12 is a set of, I think three or four questions where if  
13 they call me, a QI, I'll say okay Captain, you got me.  
14 And you know, what's your call sign? What's your  
15 location? What's your ETA, next port? I'm not sure if  
16 it's the location but it's your call sign, what's your  
17 ETA, next port.

18 And I'll tell them to please to log it in  
19 the specific area you're supposed to log these QI  
20 drills and ensure you put it in there. We don't log it  
21 ashore. I don't log it that I got the call. And it's  
22 not allowed to be done by email, it has to be done by  
23 voice.

24 MR. KUCHARSKI: Okay. Maybe if we can go  
25 on, we're going to cover drills and specific questions

1 as to tabletop type exercises you do. And then we're  
2 going to drill down on those. But just briefly, would  
3 you tell us what you're talking about, you said  
4 Gallagher. Was it O'Brien or Gallagher? What is that  
5 basically?

6 MR. LAWRENCE: Right. And as you said,  
7 O'Brien's too. They're the two main companies I know  
8 out there as far as vessel response or spill response  
9 coordinator teams. And that's what they do for a  
10 living. If we need, they have access to all of our  
11 information and our plans.

12 We actually use them for our vessel response  
13 plan as far as any changes that are needed. We have  
14 them submit it to the Coast Guard for approvals. So  
15 they are looking at our plans all the time. As far as  
16 any regulatory changes that need to be made, they  
17 inform us. Any regulatory issues that come up that  
18 they feel the company needs to be aware of, that I need  
19 to be aware of as QI, they'll notify me.

20 And typically anything they need to do to  
21 send out to the vessels to update the plans, they'll go  
22 through me as well. But they have a full team. They  
23 have QIs 24/7 on call so you can call. Gallagher is  
24 our choice for the companies we have. And they'll  
25 respond to any type, any size spill U.S. or any type of

1 incident. As in this incident here, I called them in  
2 just for an incident command system setup that they're  
3 familiar with.

4 So they not only respond to oil spills, they  
5 also respond to any type of casualties or emergencies  
6 as well where you may need their resources. I'm a firm  
7 believer of, you get to a larger situation, you go to  
8 the experts that do it for a living.

9 MS. BELL: I have one more question  
10 regarding the drills. You said you do the quarterly  
11 drills. Do you ever look at how effectively those are  
12 or the effectiveness, the timeliness of the response?  
13 Both from the contractor who answers the phone call and  
14 on through the process. Do you time it? Do you see if  
15 there's anything you need to go back and improve upon?

16 MR. KUCHARSKI: If I can just -- hold on.  
17 You know, specific questions on the drills please, I  
18 have questions to ask too, you know, specific ones on  
19 that. I'd just like to get an overview, you know, of  
20 what his day to day duties are and everything. If I  
21 can bring it back into that and then -- because there  
22 are other drill questions I'd like to go into.

23 As part of your day to day duties, do you  
24 also oversee training on the vessels?

25 MR. LAWRENCE: Partly. I mean again, as far

1 as the safety management system goes, we monitor the  
2 training that is required per our management system  
3 manuals that we have the vessels do. And again, that  
4 was mostly established before I was there.

5 So on a quarterly basis, the vessels send us  
6 in reports of, that they've accomplished certain  
7 training that is various requirements, either the  
8 regulatory requirements or company requirements. And  
9 then they're all spelled out within our manuals.

10 MR. KUCHARSKI: Let me just stop on  
11 training. Broad questions on training? Okay. If I  
12 may, let's look at the SMS system now because you  
13 mentioned that you had the direct oversight of that,  
14 the SMS system, the safety management system. You also  
15 mentioned that some of that was auditing.

16 MR. LAWRENCE: Correct.

17 MR. KUCHARSKI: Okay. Did you perform any  
18 audits on the El Faro?

19 MR. LAWRENCE: Yes I did.

20 MR. KUCHARSKI: Tell us about the audit.  
21 What did you actually do and how many days did it take?

22 MR. LAWRENCE: It took basically one day  
23 audit, internal audit we did. And I did it by myself.  
24 Sometimes we'll have a team of auditors depending on  
25 availability of people. Just recently, I sent an extra

1 auditor just on availability for training purposes, to  
2 have an auditor that hasn't done many trainings to go  
3 with a lead auditor.

4 This audit here I did by myself. I  
5 recollect it was in March of this year. Again, audits  
6 vary. An audit is a sampling of the various aspects of  
7 your safety management system. So each audit may be a  
8 little bit different that I conduct. There were some  
9 specific guidelines from my predecessor that they would  
10 do.

11 I somewhat followed that he had in place.  
12 But again, I designed it more just on my past  
13 experiences of auditing and certain questions I may  
14 want to ask. The report is fairly generic in the end  
15 depending on the findings you may have.

16 Just like the ABS audits for vessels that  
17 they do, they'll just spell out why did this. You  
18 know, it was an ISM system, et cetera. On the El Faro,  
19 it was, I think less than two pages long because I  
20 didn't have any actual findings. I just had some  
21 observations. I haven't actually gone back to look at  
22 that this past week but I can provide that to you if  
23 you don't already have that audit.

24 And what I do is I, initially we have an  
25 opening meeting, sit down with who is available on the

1 ship. Always with the Captain and the Chief Mate and  
2 the Chief Engineer at the minimum and see what their  
3 schedule is. So typically, on the El Faro I was in for  
4 a full day in Long Island.

5 So I'd go in there, I went on there and I  
6 sat down with -- again, I can't recollect exactly that  
7 audit, who I did sit down with. I know it was the  
8 Captain and I know I talked to, you know, the Chief  
9 Mate and the Second Mate and the Chief Engineer. It  
10 would be in the audit who else I may have spoken with.

11 What we do is set up a schedule. Part of  
12 the audit I'll go through documentation, go through a  
13 number of the vessel's files to ensure that they've  
14 received the files that they should be keeping up and  
15 any memos or any communications that we've sent to them  
16 that they're required to keep in a certain binder.

17 Then I'll discuss any recent issues,  
18 regulatory issues, anything that I feel is something  
19 that they should be aware about and see if they know  
20 it. But I'll go through the manual. I'll pick  
21 specific questions out of the manual. And I may base  
22 it on some past communication with the vessel that I  
23 think that, or with the fleet, that I feel that's  
24 needed to be reinforced.

25 I think the big questions I always go

1 through, fairly standard is all about our manuals, the  
2 ISM system. You know, why we have it, what it's meant  
3 for and all the specifics of, you know -- the system on  
4 the El Faro actually was SQE as our manual is Safety,  
5 Quality, and Environment.

6 So we go beyond just the ISM system,  
7 certification with ABS. We also have added various  
8 standards into our manuals, additional standards that  
9 cover quality and environment as per the ABS guides.  
10 So we're auditing against all that, not just the  
11 safety, the ISM side. We're doing the Q and the E as  
12 well.

13 So like I said, I'll make up specific  
14 questions for that. Sometimes it will be more formal  
15 than others. So go through that and then I'll try to  
16 have a meeting with the overall crew, whoever is  
17 available at that time. And you know, we'll schedule  
18 that meeting through the Captain, say I want to meet  
19 with all the crew that's available and that you can  
20 spare right now.

21 It may be anywhere from a handful to larger  
22 depending on the vessel and what their operations are  
23 going on at the time. And I'll go through what I call  
24 my speel, my ISM and SQE speel and I'll talk a lot  
25 about the specific ship, that specific ship's safety

1 record. Any past incidents that they've had, you know,  
2 safety or accidents, environmental issues.

3 I'll talk about the overall fleet, you know,  
4 as far as our safety culture and what we're trying to  
5 accomplish there. Again, any recent initiatives we may  
6 have had or talked about. So it's just more of a  
7 general conversation I'll have with them on a safety  
8 culture basis.

9 And then I'll go into specifics when I have  
10 the whole crew there. What I'll do is, I take that  
11 opportunity when I have them all there and starting to  
12 ask some of the more specific questions of your system  
13 that I would ask if I had individual interviews, which  
14 typically in one day, you may not have the time to do  
15 that.

16 So I'll devise a bunch of questions as far  
17 as, you know, permitting systems, hot work permitting  
18 on various -- what I consider two of the most effective  
19 safety programs, our job hazard analysis program, our  
20 near miss reporting program. I'll emphasize that and  
21 always tell them, hey I want you to send me more near  
22 misses. You know, I need you to participate in this.

23 I'll quiz them on it. I'll say who knows  
24 what job hazard analysis is. So I'll do a lot of  
25 discussing with them on our management system. So that



1 will be part of my audit and that will give me a  
2 feeling of whether they're really aware of what they  
3 should be aware of. And then I'll ask to them too, you  
4 know, where to find the management system. What's your  
5 access to it?

6 I always ask them about the designated  
7 person. You know, do you know what the designated  
8 person is? Do you know what I do? And then I'll go  
9 into explanation of all these things in case somebody  
10 is not telling me they really don't know what it's for.

11 Then I'll typically take -- I'll get  
12 together with the Chief Engineer or First Engineer  
13 depending who is available. And we'll have a deck walk  
14 around and the engine room walk around just to look at  
15 the overall condition of the ship. And I'll also  
16 usually incorporate a security audit at the time too.

17 We try to do a security audit at the same  
18 time we do the safety management system. Seeing I'm  
19 the company's Security Officer, I'm the one doing it.  
20 I'll get together with the Second Mate who typically on  
21 that vessel is the Security Officer, called the Chief  
22 Mate on some vessels.

23 And I'll take that opportunity to quiz him  
24 on the overall safety management system a little  
25 depending on where he is. And then I'll get into the,

1 strictly into the security audit for, you know, a time  
2 period, an hour or so, hour to two hours depending on  
3 how long it takes to get into specific questions I have  
4 for that. That usually goes fairly quick.

5 MR. KUCHARSKI: So how long --

6 MR. LAWRENCE: It's typically the full time  
7 that they're in port, less than a full day obviously.  
8 But you know, five, six hours.

9 MR. KUCHARSKI: So five, six hours of -- let  
10 me get this straight. You go through documents, you  
11 get meetings with the different crew members, the  
12 engineers separately. You'll have the Chief Security  
13 Officer or the ship's Security Officer. You spot check  
14 -- do you spot check to ensure that they're doing  
15 what's in the SMS system? And how do you spot check?

16 MR. LAWRENCE: What I tell them too is a lot  
17 of the spot checking of documentation is really done  
18 before we leave the office. We'll do that because  
19 they've seen that they submit all of their logs, the  
20 training logs, their indoctrination logs. They submit  
21 a quarterly report to us that they've reviewed the  
22 safety management system and their ISM and who is  
23 supposed to review it. They sign off on that.

24 So there's a lot of, in this company --  
25 again, every company is a little different. But in

1 this company here, they have a lot of paper  
2 documentation that comes into the office on a quarterly  
3 and sometimes monthly basis. So we have that and we go  
4 through that in the office in various lengths I guess,  
5 you know, how deep we get into various.

6 Some of it we're just checking to see that  
7 they have the signatures and we'll file it. Others  
8 like the safety meeting minutes, those we'll read and  
9 see if there's any issues that we need to bother. So a  
10 lot of things that you would typically do on a third  
11 party audit we do.

12 We're looking at it all the time in the  
13 office so we don't feel we don't need to do that again  
14 during that one day audit.

15 MR. KUCHARSKI: So would you say it's  
16 essentially a paper exercise if you're looking at  
17 documents?

18 MR. LAWRENCE: No.

19 MR. KUCHARSKI: And you say you're auditing  
20 against -- what do you physically go and see and look  
21 and see that they're doing?

22 MR. LAWRENCE: It's a paper exercise in the  
23 office side. Yes. It's a short paper exercise, more  
24 going into their certificate file and just kind of  
25 checking if it has everything it's supposed to have.

1 And it's mostly the discussion, the questioning.

2 That's what the audit process is, is getting  
3 -- again, I spot certain, spot checking of certain  
4 items that give me that they're aware, they know our  
5 system and that they're following our system.

6 MR. KUCHARSKI: So when you go out on an  
7 audit, do you ever audit them as part of the procedure  
8 to see how the bridge team operates?

9 MR. LAWRENCE: I haven't in my last few  
10 audits. But it has been done in the past. I know,  
11 just reading past audits, my predecessor he would, you  
12 know, get into detail. Once again, I think every  
13 auditor has their own, you know, process of what  
14 they're looking at. And every audit is a little bit  
15 different.

16 Like I said, to me it's a spot check. So  
17 the few audits that I've done with the company, I'll  
18 gear it towards a certain area that I'm familiar with.  
19 I've hired third party auditors quite a bit this past  
20 year for our different vessels. And you can see by  
21 their audits, they have different focuses too.

22 But at the end of the day, at least in my  
23 opinion and training, the audit is a sampling of the  
24 system to give you that knowledge and feeling that  
25 they're doing things properly and with the new system.

1 And you'll find, you may have certain findings that  
2 need corrective actions. And typically you come out  
3 with a good number of observations.

4 Again, in my own opinion of auditing, I've  
5 many times say that one man's observations is another  
6 man's finding. You know, so it depends on the auditor.  
7 A finding will typically entail a lot more paperwork  
8 and follow up on something that may not be as important  
9 as long as you're looking at the observations as well.

10 So again, it varies from auditor to auditor.  
11 Each one has his own style.

12 MR. KUCHARSKI: Before I open it up to the  
13 group, just one question. You mentioned about internal  
14 auditors or -- I'm sorry, third party auditors.  
15 Specifically on El Faro, did you use third party  
16 auditors and what did they do?

17 MR. LAWRENCE: Not while I've been here, no.  
18 And then the other reason being is because they're so  
19 accessible to us because they're right here in  
20 Jacksonville. You know, so I would typically use a  
21 third party auditor that I knew was coming into a port  
22 that was not quite as accessible to us, that we'd have  
23 to travel to and I know I may have somebody closer by  
24 that may be able to do that just for time purposes.

25 MR. KUCHARSKI: So I lied. You're always in

1 port? Are any of them underway?

2 MR. LAWRENCE: With this company, I think  
3 yes. Well we did have on one of our government vessels  
4 that was underway last year. So it depends on the  
5 situation. Typically, they're scheduled to be in port.

6 MR. KUCHARSKI: Let's bring it back to El  
7 Faro.

8 MR. LAWRENCE: In port.

9 MR. KUCHARSKI: In port?

10 MR. LAWRENCE: Correct.

11 MR. KUCHARSKI: Questions?

12 MR. YOUNG: Brian Young with the NTSB.  
13 Since you've been the DP, how many internal audits have  
14 you conducted for the El Faro?

15 MR. LAWRENCE: Oh for the El Faro? Just  
16 one.

17 MR. YOUNG: Just one. And external audits?

18 MR. LAWRENCE: I'd have to look at our  
19 records. I mean, the external audits are required at  
20 two to three years. You know, basically you have your  
21 certificate from the ABS if, they're a regulatory  
22 authority. The certificate is good for five years,  
23 safety management certificate. And within the second  
24 to third anniversary date of that certificate, you have  
25 to have another external ABS audit.

1 I know the El Faro has had at least one.  
2 I'd have to take a look in our files to see, you know,  
3 to get it to you if you'd want it.

4 MR. YOUNG: Okay. And then that one  
5 internal audit that was conducted, was that by  
6 yourself?

7 MR. LAWRENCE: That was by myself. I'd have  
8 to look. As I said, I did that in March of this year  
9 so there was one done last year. I'd have to take a  
10 look and see who did that one.

11 MR. YOUNG: No questions.

12 MS. BELL: Carrie Bell, NTSB. You mentioned  
13 briefly a job analysis. Can you go in a little more  
14 detail about what that covers?

15 MR. LAWRENCE: Job hazard analysis is a risk  
16 assessment that's done prior to every job that's done  
17 on the ship as a way that's in our manuals. It can be  
18 verbal for a small job to as much as a formal written  
19 job hazard analysis. And what it is, is the people  
20 that are involved with that, prior to doing the job you  
21 look at the task you're going to be doing and who's  
22 involved in the task.

23 And you look at all the different aspects of  
24 that task and how you're going to do it. Then you look  
25 at, what are the risks of each one of those aspects of

1 the task? And then you decide on how you're going to  
2 mitigate those risks and how are you going -- the words  
3 I put when I'm doing training is you look at the job,  
4 see how can it bite you? And then you make sure it  
5 doesn't bite you and figure out how you're going to do  
6 that.

7 Like I said, some of them are more formal.  
8 If it's a high risk that you've never done before, then  
9 we require it to be in writing. If it's something  
10 that's more of a routine type task and you have a few  
11 people doing it, then we require them to do it almost  
12 more like a toolbox type meeting prior to going out  
13 there and doing the job. More of a safety discussion  
14 and then decide how to do it.

15 But you're looking at your available tools,  
16 do you have enough people? You know, we give guidance  
17 on all that for the job hazard analysis, what to look  
18 for.

19 MS. BELL: So can you give an example of one  
20 that's not that big of a deal and one that you do a  
21 formal analysis on?

22 MR. LAWRENCE: Let's see, docking and  
23 undocking the vessel is something that you're doing,  
24 you know, consistently all the time. You know, you're  
25 using the same people as, you go into the same ports.



1 That would be typically would be one I would expect  
2 them to do a verbal job hazard analysis where they get  
3 together prior to going out on deck and discuss the  
4 job, how are we going to do this.

5 You know, is there anything that's different  
6 from normal today? Is there anything that could  
7 possibly put anybody in harm's way? And if there is,  
8 then how are we going to address this?

9 Versus going out and just doing general  
10 maintenance in the morning. You may have two or three  
11 different jobs you're going to do. And it may just be  
12 one person going out to do some shipping. But he  
13 should still basically talk, you know, within himself  
14 just think about the job before he's going to do it.  
15 And that's a verbal job hazard analysis.

16 If it's something you're going to  
17 maintenance, pulling a piston on your engines. Not on  
18 the El Faro, but on another ship, a diesel ship.  
19 That's something that's different and you may even have  
20 outside contractors assisting you. Then the  
21 expectation is that you'll get together and you'll do  
22 more of a formal job hazard analysis and put it in  
23 writing, attach it to the overall work you're doing.

24 And that's the first thing I'll ask if we  
25 have an incident of any type, any accident. When the

1 report comes in to the investigation, the first thing  
2 I'll ask is, did you do a job hazard analysis? No  
3 matter how large or how small the incident is, just  
4 trying to get that awareness and that culture out there  
5 to make sure people are doing this.

6 MS. BELL: How many of those do you do  
7 typically in a year? The formal --

8 MR. LAWRENCE: And they don't have to send  
9 them into the company. So that would be more of an  
10 auditing process. So when I do the audit, that's when  
11 I say if you look at documentation, you look into their  
12 job hazard analysis file to see what they've been doing  
13 and what they've done.

14 You know, sometimes ships will just  
15 voluntarily send things in. Or if it's -- I guess I'm  
16 jumping to another section really. But say for hot  
17 work, we require hot work permits based on a matrix of  
18 what type of work is being done. And that may also  
19 encourage job hazard analysis as well. That's a  
20 situation where they would send it in to us to take a  
21 look at.

22 MS. BELL: So you don't actually perform  
23 that analysis? The company that's doing the work  
24 performs the analysis.

25 MR. LAWRENCE: No.

1 MS. BELL: And you review it?

2 MR. LAWRENCE: No. Well the company is the  
3 ship. The people onboard the ship do the job hazard  
4 analysis. We don't review it in the office. It's all  
5 done on the vessel unless we're using subcontractors as  
6 well to work. Say it's an engine repair, then again,  
7 it's up to the vessel to ensure that -- the contractors  
8 may have their own job hazard analysis, if it's a good  
9 contractors and they can use that too. But it's up to  
10 the vessel to ensure that is being done.

11 MS. BELL: So you may never see those  
12 analyses?

13 MR. LAWRENCE: Correct. Unfortunately, I'll  
14 see them if there's an incident or an accident. That's  
15 about the only time I would see them unless I request  
16 them.

17 MS. BELL: When would you request something  
18 like that?

19 MR. LAWRENCE: I don't.

20 MS. BELL: Okay.

21 MR. LAWRENCE: But I can.

22 MS. BELL: Okay. Thank you.

23 MR. [REDACTED] Coast Guard.  
24 Have you conducted an internal audit for adverse  
25 weather operations for any of your ships?

1 MR. LAWRENCE: No.

2 MR. [REDACTED] And then you said you have a  
3 job safety analysis for something as simple as  
4 chipping. How about for what process would you do to  
5 identify risks associated with the commencement of any  
6 voyage?

7 MR. LAWRENCE: Well, the captain has his,  
8 you know, they do their bridge plan before they leave,  
9 their voyage plan. And again that's has nothing to do  
10 with -- I don't get involved in that. I shouldn't say  
11 it has nothing to do with me. We're all in this  
12 together, the safety. But that's something I don't  
13 review or get involved in. That's again, strictly on  
14 the vessel as far as voyage planning.

15 MR. [REDACTED] Does anybody review that from  
16 shipboard operations?

17 MR. LAWRENCE: Not that I'm aware of.

18 MR. [REDACTED] Thank you.

19 MR. LAWRENCE: Hey, and if I can back that  
20 up one too, is when I just mentioned that on every  
21 departure message that the captains do send a departure  
22 message and arrival messages and daily, you know,  
23 position reports.

24 On their departure message, they do put a  
25 one line on the bottom of that saying that they have

1 basically done a voyage plan and reviewed their plans,  
2 so. And I have to look at it for the specific wording,  
3 but it is something to that extent that they've said  
4 they've done what they're supposed to do prior to  
5 sailing.

6 MR. STITH: Kevin Stith, TOTE Services. Are  
7 the passage plans and the voyage plans in port and  
8 underway typically reviewed during the internal audit?

9 MR. LAWRENCE: Sometimes they are.

10 MR. STITH: Okay.

11 MR. LAWRENCE: Yes. Again, it's a sampling.  
12 So I don't review them every time I go on --

13 MR. STITH: Okay.

14 MR. LAWRENCE: -- board. But some other  
15 people I had seen have in their report.

16 MR. STITH: But does TOTE have a form or a  
17 checklist for passage planning and in routing?

18 MR. LAWRENCE: I believe we do and I'd have  
19 to refer to the manuals to see exactly, you know, how  
20 extensive it is and what it is.

21 MR. STITH: Okay. Thank you.

22 MR. LAWRENCE: Yes.

23 MS. BELL: Carrie Bell, NTSB. If there is a  
24 change to the voyage plan, who authorizes that change?

25 MR. LAWRENCE: To my knowledge, I don't get

1 involved in it. So I am not sure if there's anybody  
2 shore side that gets involved in it. But, again, it'll  
3 be up to the captain that has the final say on that as  
4 far as I know.

5 MS. BELL: The reason I'm asking that  
6 question, just for some background, is because in our  
7 previous interview with Mr. Anderson, he said that the  
8 captain had emailed you to get authorization and take a  
9 different route on the return trip.

10 MR. LAWRENCE: Yes.

11 MS. BELL: And so he was asking for your  
12 authorization?

13 MR. LAWRENCE: Correct. I was surprised  
14 because I've only seen two of those, you know, requests  
15 directly to me that I can recall and they were both  
16 from that captain.

17 And I should say that was the first request  
18 I think I had from him for weather routing. And  
19 because of this incident I had gone back into emails  
20 and I saw that he had informed me of the weather  
21 situations for a previous hurricane earlier this year.

22 So to me I saw it and I thought it was more  
23 informative. But then he did ask the question and I  
24 was surprised he asked a question to me because I don't  
25 know who -- yes, I looked at and said, gee, I wonder

1        why he sent this to me because does anybody else in  
2        operations typically give him permission for that,  
3        which I had not seen in the past. And so that's why I  
4        didn't answer him.

5                    Actually, I was traveling and it was like  
6        9:30 at night when I got home. I was, I think, en  
7        route I was looking at that and saw that Jim Fisker-  
8        Andersen had answered him because Jim Fisker had been a  
9        copy there, so he gave him permission.

10                   Basically, I was going to take a look at it  
11        further to see, you know, to kind of dig into a little  
12        bit deeper to see why he was requesting that. But  
13        again, it was on the return trip.

14                   I mean, and said in all honesty when I saw  
15        that I felt that, gee, the captain's really on top of  
16        this storm. You know, I said he's got his plans down  
17        here. He told me everything he's been looking at and  
18        he seemed very comfortable with his plans. All he was  
19        asking was permission to do something differently and  
20        safer on the return trip.

21                   Because in this email he identified that he  
22        felt that he may be running into a little problems if  
23        he went the normal route from that same storm on the  
24        return trip. But didn't seem to be concerned at all of  
25        his plans on that trip. So that's, again, why it

1 didn't appear to be any urgency when I read that.

2 MS. BELL: Thank you.

3 MR. LAWRENCE: Yeah.

4 MR. KUCHARSKI: Do you have questions?

5 MR. SHEPHERD: Yes, please. Al Shepherd,  
6 ABS.

7 MR. LAWRENCE: Yes, sir.

8 MR. SHEPHERD: Did you say when you go on  
9 board to do internal audits you, roughly five to six  
10 hours with the audits?

11 MR. LAWRENCE: I'd say roughly, depending  
12 how long the ship's in port. You know, obviously, we  
13 have to go by their schedule.

14 MR. SHEPHERD: Sure, that's fine.

15 MR. LAWRENCE: Yes.

16 MR. SHEPHERD: We have to do the same.

17 MR. LAWRENCE: Yes.

18 MR. SHEPHERD: When you audit, do you audit  
19 all the elements of the code? Because you're talking  
20 about SMS audits, right?

21 MR. LAWRENCE: Right.

22 MR. SHEPHERD: So I assume codes. So you're  
23 doing all of the elements of the code? I know you're  
24 doing the sampling process.

25 MR. LAWRENCE: Right.



1 MR. SHEPHERD: But are you sampling all the  
2 elements of the code?

3 MR. LAWRENCE: I'd have to actually take a  
4 look at the audits that I've done and refer them to  
5 make sure I hit all the elements, so I couldn't say  
6 definitely.

7 MR. SHEPHERD: And you said you also do  
8 security audits, meaning ISPS audits?

9 MR. LAWRENCE: Correct.

10 MR. SHEPHERD: Okay. And same, when you do  
11 the internal security audits, are you also auditing all  
12 the elements?

13 MR. LAWRENCE: Again, a sampling and, you  
14 know, looking at all the elements of a security plan  
15 saying I'm the one that's invites them or submits them  
16 to the coast guard. So I'm familiar with all the  
17 different elements. And so it is a sampling.

18 MR. SHEPHERD: Thank you, John. Okay.  
19 Internal auditors, do you have a list qualified or the  
20 internal persons you use as internal auditors?

21 MR. LAWRENCE: We have a small office staff,  
22 so I know who they are, yes. But so I don't have them  
23 actually listed on a list.

24 MR. SHEPHERD: Okay. And who are they  
25 please?

1 MR. LAWRENCE: But it's usually, well, it's  
2 myself --

3 MR. SHEPHERD: Yes.

4 MR. LAWRENCE: -- Patty Finsterbusch, who is  
5 my assistant, Mitch Walker who is the vice president of  
6 operations. He hasn't done while I've been here, but I  
7 know he's done some in the past. Eunice Cadorette  
8 Young, she's done a number of them.

9 MR. SHEPHERD: She's a port captain?

10 MR. LAWRENCE: She's a port captain for the  
11 SBX. She's done a number of them. I think Patrick  
12 Sullivan, who is one of our -- I'm not sure what his  
13 title is.

14 MALE PARTICIPANT 2: Port engineer.

15 MR. LAWRENCE: Port engineer for the  
16 government ships and for the SBX and they wheel some of  
17 our government ships. He's done some internal audit  
18 for me. And that's the one, actually, where I said  
19 he's riding the vessel for a number of other purposes  
20 as well. So he'll conduct an internal audit that will  
21 typically be more extensive than the one day ones.

22 Who else do we have doing internal audits?  
23 I think that's it. We were in the process of training.  
24 That was one of our initiatives that we identified is  
25 that we need more internal auditors from the company.

1 But that's why I started to farm some of them out.

2 MR. SHEPHERD: Okay. When you do your  
3 internal audits and you have kind of a compressed  
4 timeframe, would you sometimes use more than one  
5 auditor?

6 MR. LAWRENCE: Yes.

7 MR. SHEPHERD: But in this last audit in  
8 March --

9 MR. LAWRENCE: The one I --

10 MR. SHEPHERD: -- was one audit?

11 MR. LAWRENCE: No. Yes. And it  
12 realistically depends on availability at the time and  
13 when we need to get the audit accomplished depending on  
14 the ships schedule.

15 MR. SHEPHERD: Okay. I'm going to bounce  
16 around just a little bit, please. You mentioned about  
17 a Safety Management System quarterly review.

18 MR. LAWRENCE: Right.

19 MR. SHEPHERD: So if I understood you  
20 correctly, if I'm wrong --

21 MR. LAWRENCE: No, that's correct.

22 MR. SHEPHERD: -- if I misspoke.

23 MR. LAWRENCE: ISM quarterly review --

24 MR. SHEPHERD: All right.

25 MR. LAWRENCE: -- sheet.

1                   MR. SHEPHERD: So is that where the ship's  
2 master reviews the Safety Management System on board  
3 the ship?

4                   MR. LAWRENCE: There's also a separate  
5 master's review that he --

6                   MR. SHEPHERD: Okay.

7                   MR. LAWRENCE: -- has to do twice a year, so  
8 --

9                   MR. SHEPHERD: Good.

10                  MR. LAWRENCE: -- that he sends in  
11 separately. But this ISM quarter review is just all  
12 the various elements of the various manuals we have --

13                  MR. SHEPHERD: Right.

14                  MR. LAWRENCE: -- on board that they should  
15 review. And the two main ones are operations manual  
16 for the vessels and the emergency preparedness manuals  
17 for the vessels.

18                  And again, I'd have to refer to that actual  
19 list. It's more of a matrix and it has listed all the  
20 different areas we want to make sure that they  
21 reviewed. And then it has that compared to the  
22 different positions on the vessel they should be  
23 reviewing, specific manuals. And they're supposed to  
24 initial it that they've reviewed it at some point  
25 during that quarter.

1 MR. SHEPHERD: Okay.

2 MR. LAWRENCE: And then they send that.  
3 It's just a one-page review sheet. And I send a memo  
4 out quarterly to the vessels prior to that. And it's a  
5 one page instruction memo listing why we do this, what  
6 you need to, you know, look in the ISM.

7 And again, I'd have to refer to that to see  
8 specifically if we talk about the master's review in  
9 that sheet or not. But that's something I send out to  
10 the entire fleet every quarter.

11 MR. SHEPHERD: Okay. So is that quarterly  
12 review of the OMB and the EPMV and then there's a semi-  
13 annual master's review?

14 MR. LAWRENCE: Yes, to the best of my  
15 recollection. I said I have to look exactly how it's  
16 worded, but that's, well, typically what they're doing.

17 MR. SHEPHERD: Thank you, John. How often  
18 do you do the internal audits?

19 MR. LAWRENCE: Annually.

20 MR. SHEPHERD: All right. Okay.

21 MR. LAWRENCE: And, you know, like annually  
22 unless it's required more than once if we see a need,  
23 you know, that we need to get back there. If we feel  
24 that there's some issues on board, then we may do it  
25 more than once.

1 I have not more than once since I've been at  
2 the company except for on our vessels that go foreign,  
3 port state control has --

4 MR. SHEPHERD: Yes.

5 MR. LAWRENCE: -- found some issues and  
6 they've -- and I think the way I've just started with  
7 them since the beginning of this year as far as vessels  
8 going foreign again. And it seems like the port state  
9 folks there say everything's ISM related if they find  
10 anything on board. So we'll circle that. And they've  
11 instructed us to do a couple of additional internal  
12 audits within a certain period of time of their  
13 inspection.

14 MR. SHEPHERD: Okay. Good. Thank you. A  
15 couple more things, please. So for notifications, have  
16 you received notifications as DPA?

17 MR. LAWRENCE: Yes, I have.

18 MR. SHEPHERD: Any --

19 MR. LAWRENCE: I mean, I can recall a  
20 couple, but I'd said most of them are typically I'm  
21 being harassed or I'm not getting enough overtime. I  
22 have issues. So in my, you know, brute honesty again,  
23 I typically get a little smile on my face and I walked  
24 over to HR department and say, hey, I've got an issue  
25 you can look at now thing.

1 MR. SHEPHERD: Okay.

2 MR. LAWRENCE: So it's just not something I  
3 have to deal with luckily.

4 MR. SHEPHERD: Anything stands out in your  
5 mind about the El Faro, say, within the last year?  
6 Well, I'll say the last 14 months, did --

7 MR. LAWRENCE: We did have an issue that  
8 was, to me, a kind of combination DP and HR. I think  
9 it was, if I recall correctly, it was in July on the El  
10 Faro, where what I consider a disgruntled crew member.

11 I only say that because he was fired  
12 previous to him calling me and sending me text messages  
13 of pictures of a vessels officers apparently asleep and  
14 it was apparently on the bridge of the ship of the El  
15 Faro.

16 MR. SHEPHERD: And if anybody minds me  
17 asking this question, stop me. Was that the chief  
18 mate?

19 MR. LAWRENCE: Yes.

20 MR. SHEPHERD: Okay. Okay. Just a little  
21 bit of job hazard analysis. You mentioned before about  
22 the contractors.

23 MR. LAWRENCE: Correct.

24 MR. SHEPHERD: And you said something to the  
25 effect, and please feel free to correct me, you said

1 something to the effect that we have a contractor who  
2 has a good program in place. You said on the ship's  
3 program they can maybe use their own.

4 MR. LAWRENCE: Correct. And, again, I'd  
5 have to refer to the exact wording in the manual, but  
6 that's my understanding and that's the way I would like  
7 it to be done.

8 MR. SHEPHERD: Right. I'm not questioning  
9 if it's right or wrong. I'm just --

10 MR. LAWRENCE: Yes. No, that's --

11 MR. SHEPHERD: I just wanted to --

12 MR. LAWRENCE: I know we have it in the  
13 contracts, the exact wording of how it's worded in  
14 these manuals. And just to kind of reiterate, too,  
15 I've dealt with many companies and many Safety  
16 Management Systems. So once in a while one runs into  
17 another as far what it says on the specific one. But  
18 again, I can get you that information exactly if you  
19 need it.

20 MR. SHEPHERD: How about these specific  
21 contracts you have on board, Imtec, right? Am I saying  
22 that right? With Imtec, the five Polish gentlemen when  
23 they were --

24 MR. LAWRENCE: Okay.

25 MR. SHEPHERD: -- on board. How was that



1 being dealt with as far as --

2 MR. LAWRENCE: I have no idea to be honest  
3 with you. I said I don't get involved in contractors  
4 going on board the vessel.

5 MR. SHEPHERD: Okay.

6 MR. LAWRENCE: I said I'm not on that  
7 operational side and engineering side. I wasn't aware  
8 there were any contractors on the vessel. And  
9 typically I am not unless there's a major repair or  
10 issue going on that I should be aware of or if I feel  
11 that could pose a threat or danger to the ship. I  
12 wasn't aware of it until we got the casualty.

13 MR. SHEPHERD: So where would that decision  
14 be made whether it was allowable to use the contractors  
15 system? A --

16 MR. LAWRENCE: It should be --

17 MR. SHEPHERD: -- job safety analysis or --

18 MR. LAWRENCE: It --

19 MR. SHEPHERD: -- do you use a --

20 MR. LAWRENCE: On their supervisor on the  
21 vessel and in this instance I would assume the chief  
22 engineer was their supervisor.

23 MR. SHEPHERD: Right.

24 MR. LAWRENCE: Again, I'm not sure.

25 MR. SHEPHERD: So it's at the deck plate

1 then?

2 MR. LAWRENCE: Correct. Correct.

3 MR. SHEPHERD: I have a question about risk  
4 assessment. And if you plan on going to that later, I  
5 can stand down.

6 MR. KUCHARSKI: Well, it's related to job  
7 hazard analysis with success, no?

8 MR. SHEPHERD: It's broader, but I -- you  
9 know. Let's talk a little bit about risk assessment.  
10 Has TOTE done a risk assessment?

11 MR. LAWRENCE: For what purpose? In the  
12 general terms? I mean, like we said, our --

13 MR. SHEPHERD: Identifying --

14 MR. LAWRENCE: -- main --

15 MR. SHEPHERD: -- risk. You know,  
16 identifying risk, assessing the risk, grading them as  
17 far as what --

18 MR. LAWRENCE: We --

19 MR. SHEPHERD: -- should be put in place  
20 where different jobs are being done?

21 MR. LAWRENCE: Well, that's --

22 MR. SHEPHERD: Well, not just jobs, but  
23 activities.

24 MR. LAWRENCE: Right. Well, this --

25 MR. SHEPHERD: Could be vessel activities,

1 any kind of activities.

2 MR. LAWRENCE: Well, again, the job hazard  
3 analysis is the major on-board deck plate tool that  
4 they use for that. And we would use it for something,  
5 you know, same type of format if there's something new  
6 to address.

7 We do have the environmental program which  
8 we do have a assessment of the risks of the vessel and  
9 whether or not it's environmentally related or other  
10 related, we come out at that point there. But you have  
11 to, you know, it's an exercise to get our environmental  
12 management certificate, the E part there.

13 And then what we do is we basically look at  
14 all the aspects of the vessels operations and look at  
15 the impacts it may have on the environment and also on  
16 safety and quality at the time. But it's mostly set  
17 for that environmental program is what you're trying to  
18 find targets for.

19 And then you look at, you know, what those  
20 impacts are and then you look at how you can address  
21 those impacts and just come up with some programs or  
22 targets to eliminate any negative impacts.

23 MR. SHEPHERD: Okay. So has there been a  
24 risk assessment done for the whole --

25 MR. LAWRENCE: There has been and again, I

1 call it the environmental risk assessment. And that  
2 was done initially, you know, prior to my coming to the  
3 company, but we look at that again on a, at least, an  
4 annual basis, hopefully twice a year.

5 MR. SHEPHERD: Okay. So that's  
6 environmental, but I'm talking about the safety --

7 MR. LAWRENCE: Overall.

8 MR. SHEPHERD: -- aspect. Right.

9 MR. LAWRENCE: Not a --

10 MR. SHEPHERD: Do you know what vessel --

11 MR. LAWRENCE: I don't have any knowledge of  
12 any formal assessment that I've seen.

13 MR. SHEPHERD: Okay.

14 (Whereupon, the above-entitled matter went  
15 off the record and then resumed at 2:23.)

16 LCDR [REDACTED] [REDACTED] [REDACTED] with the Coast Guard.

17 MR. KUCHARSKI: Thank you.

18 LCDR [REDACTED] Just one question. Who audits  
19 you and your Department? Who performs the internal  
20 audits on your -- your process?

21 MR. LAWRENCE: I -- it varies. When we --  
22 we do the internal audit of the office, we break it up  
23 into different teams. So I'll assign whoever --  
24 really, what I did -- we've only had one since I've  
25 been there and that was back in December. I looked at

1 the previous audits to see who was involved in auditing  
2 in different departments. So I utilized those same  
3 auditors and -- to audit us. I have to look up that  
4 specific audit for my department. I think it's -- you  
5 know, I have to look but I think it's Eunice Kaderite-  
6 Young (phonetic) was one of them who conducted the  
7 audit. We have records of all that in the office if  
8 you need to see them.

9 LCDR [REDACTED] And it's all people who are  
10 outside of your department?

11 MR. LAWRENCE: They're all -- yes.

12 LCDR [REDACTED] Okay.

13 MR. LAWRENCE: Yes. There's only two people  
14 in my department, me and Patty Finsterbusch. So --

15 LCDR [REDACTED] Thank you.

16 MR. LAWRENCE: Okay.

17 LCDR [REDACTED] One quick question to -- oh, I'm  
18 sorry. I'm sorry. Go on and finish.

19 MR. [REDACTED] [REDACTED] [REDACTED] with the Coast  
20 Guard. You mentioned earlier when you were asked about  
21 job-hazard analysis and if you would expect to see one  
22 of those for any voyage. What about when they're  
23 expecting heavy weather? Would you expect to see a  
24 job-hazard analysis done on a particular voyage if  
25 there -- if heavy weather was expected?

1 MR. LAWRENCE: I would not see it.

2 MR. [REDACTED] Maybe not see it.

3 MR. LAWRENCE: Yes.

4 MR. [REDACTED] But would you expect it to be  
5 done?

6 MR. LAWRENCE: Yes. I mean I would expect  
7 some type of on-board risk assessment to address, you  
8 know, severe weather within -- whether I would expect a  
9 specific job -- written job-hazard analysis, I may not.  
10 You know, I don't think there -- I haven't actually  
11 spelled it out and said you must do one for this. It  
12 would be a good opportunity to do one but seeing it's  
13 more of -- it's more of the navigational issues, I  
14 wouldn't expect a job-hazard analysis, typically.

15 MR. [REDACTED] So it's not required for the  
16 SMS for that particular --

17 MR. LAWRENCE: It's not a requirement. No.

18 MR. [REDACTED] The reason I kind of went  
19 there is because of what you said earlier. If there's  
20 an incident, one of the first questions you said you  
21 would ask is, was a job-hazard analysis done?

22 MR. LAWRENCE: Yes. It is, depending on the  
23 incident though.

24 MR. [REDACTED] Right.

25 MR. LAWRENCE: Whether -- I understand what

1     you're saying. Yes. It would -- it would be based on  
2     the -- on the type of incident there and then I would  
3     look to say what I would expect -- exactly what you  
4     just asked me, would I have expected a job-hazard  
5     analysis to be done for this type of a task that caused  
6     this accident? And that's when I would go back and  
7     say, did you do a job-hazard analysis? So it would be  
8     more, if it was within my expectation that it should  
9     have been done --

10                     MR. [REDACTED] Right.

11                     MR. LAWRENCE: -- then I would have  
12     questioned them. But a navigational incident, probably  
13     typically not. I wouldn't ask that.

14                     MR. [REDACTED] So where my mind is going is  
15     let's say an incident happened where it was due to  
16     heavy weather but much less severe than this particular  
17     incident. Somebody falls and hits their head,  
18     something falls off of a -- you know, of a shelf and  
19     hits somebody in the head, you know, a container falls  
20     off the vessel but not nearly as catastrophic as this  
21     incident, is that -- you know, a much less incident  
22     would you have expected -- would you have asked that  
23     question whether a job-hazard analysis done,  
24     particularly for navigating in heavy weather?

25                     MR. LAWRENCE: I hadn't thought of that

1 before. So, yes, in that situation, I probably would  
2 look. I'd look and see whether I would. It would be  
3 kind of a case-by-case situation. So, if somebody got  
4 hurt based on something that he wasn't specifically  
5 doing a task himself, that would be a situation where I  
6 would be looking for a job-hazard analysis, if he was  
7 involved in the task or working with somebody else,  
8 that type of injury.

9 But, if it's a condition of the vessel, a  
10 catastrophe of the vessel or a mechanical issue, it  
11 wasn't a task that was being conducted, I wouldn't say  
12 necessarily that would require a job-hazard analysis.

13 MR. [REDACTED] Okay. Thank you.

14 MR. O'DONNELL: Just quickly on a -- Louis  
15 O'Donnell with ABS on top of the Commander's question  
16 and Al's question, TOTE as a company doesn't have a  
17 standard or general risk assessment of let's say common  
18 activities and things like that, a safety risk  
19 assessment?

20 MR. LAWRENCE: Not written other than,  
21 again, the -- you know, I wasn't involved in writing  
22 the existing manuals. So I would -- I would hope that  
23 the manuals are written based on some type of risk  
24 assessments that were looked at prior to coming up with  
25 all the policies and procedures the company has.



1 MR. O'DONNELL: Thank you.

2 MR. SHEPHERD: Al Shepherd, American Bureau  
3 of Shipping, it's a follow-up to Commander Odom's  
4 question with regarding your department being audited.  
5 You're included in internal audits, as you've already  
6 answered. But it's fair to say you get audited quite  
7 heavily when the next auditor comes in?

8 MR. LAWRENCE: Correct.

9 MR. SHEPHERD: You're quite possibly audited  
10 more heavily than other departments because of the  
11 nature of your -- of what your department does?

12 MR. LAWRENCE: Definitely correct.

13 MR. SHEPHERD: Thank you.

14 MR. KUCHARSKI: Okay, Mr. Lawrence, this is  
15 Mike Kucharski again. Did you audit, as part of your  
16 SMS audits, the plan maintenance system of the vessel?

17 MR. LAWRENCE: That would be part of the  
18 audit, you know, talking -- again, more of spot  
19 checking with the Chief Engineer as far as that would  
20 be more of the records of the system, seeing if he has  
21 a plan maintenance system. You know, whether that  
22 involves that it's being kept up as far as that  
23 specific El Faro incident that we discussed earlier, I  
24 can't recall, actually, my discussions with the Chief  
25 Engineer looking into that section.

1                   And, in reality, seeing that I'm not an  
2 engineer, if I have an engineer doing the audit, I  
3 would anticipate that they may get more into the  
4 engineering maintenance systems and, again, that's why  
5 we have different auditors going on at different times.

6                   MR. KUCHARSKI:   So why --

7                   MR. LAWRENCE:   When I'm there, I may be  
8 going more into the safety management side of things,  
9 more of the record keeping. But I said -- but I do  
10 discuss with the Chief Engineer various -- I'll look at  
11 various requirements within the safety management  
12 system and some of them may be plan maintenance issues.

13                   One question I typically ask them for is do  
14 we have a listing of their critical systems and we'll  
15 look at their -- whether they ought to separate their  
16 operation making sure they're keeping up the  
17 requirements for that for the company requirements. So  
18 I'll pick and choose various things out of the manuals  
19 based on the limited time of the -- an audit and it  
20 will vary each time, yeah, depending on what questions  
21 that I'll ask there in the audit.

22                   MR. KUCHARSKI:   So the last along this --  
23 the engineering line or even the deck, how do you know  
24 the rubber where it meets the road that it says that  
25 they did this? Do you spot check? Do you go out there

1 and physically look to see that it was done?

2 MR. LAWRENCE: I may.

3 MR. KUCHARSKI: Have you on the El Faro  
4 since you've been here?

5 MR. LAWRENCE: No. No.

6 MR. KUCHARSKI: Are you aware of any  
7 internal auditors, third-party, that have done that?

8 MR. LAWRENCE: I'm not aware of any other --  
9 you know, again, I've only been there for a little over  
10 a year, so there's only been one or two internal audits  
11 conducted during that time frame and I'd have to refer  
12 to the actual internal audit itself to see -- the last  
13 one -- if somebody did get into that detail.

14 MR. KUCHARSKI: If the -- closed on that,  
15 folks?

16 MR. SHEPHERD: I had one thing. Al  
17 Shepherd, ABS. With regard to maintenance -- that's  
18 what we were talking about, right?

19 MR. KUCHARSKI: Yes.

20 MR. SHEPHERD: With regard to maintenance,  
21 is there an element within the ISM code that talks  
22 about maintenance?

23 MR. LAWRENCE: Yes. Yes.

24 MR. SHEPHERD: And is -- so, when you do  
25 your audits, if you -- you're auditing through --

1 MR. LAWRENCE: The elements of the code?

2 MR. SHEPHERD: -- the elements of the code,  
3 it's Element 10, correct?

4 MR. LAWRENCE: I don't recall. I'd have to  
5 have it -- have it here in front of me to refer to  
6 which element it may be.

7 MR. SHEPHERD: When there's another element  
8 in the code and you're auditing to the code, there's --  
9 it's one of the elements of the code?

10 MR. LAWRENCE: That's correct.

11 MR. SHEPHERD: Okay. Thank you.

12 MR. LAWRENCE: I'm aware of that.

13 MR. SHEPHERD: Thank you. Thank you.

14 MR. KUCHARSKI: Okay. Mike Kucharski back.  
15 If the -- I think we've touched on this. If the  
16 Captain wanted to change the ship's normal route, who  
17 would he notify?

18 MR. LAWRENCE: I'm not aware if there's a  
19 requirement to notify anybody before the fact. I would  
20 assume somebody in operations but I'm not -- I'm not  
21 familiar with what the protocol is for that.

22 MR. KUCHARSKI: Okay. Let me -- I hate to  
23 sharp shoot you but I've been zeroing in on the  
24 weathering and monitoring and, you know, it talks about  
25 the Master's responsible for the monitoring and

1 analysis of the weather along the vessel's intended  
2 track. How do you spot check that? How do you check  
3 to make sure he is doing that or she?

4 MR. LAWRENCE: I don't.

5 MR. KUCHARSKI: Okay. The -- it says in  
6 here the Master shall advise the HQ office of speed  
7 reductions and/or changes due to adverse weather. So  
8 who does he report this to by your SMS?

9 MR. LAWRENCE: That would be -- that would  
10 be me. But, again, I'd have to look at that specific  
11 section of the manual because we just changed a number  
12 of areas in them manual and that's one I may not have -  
13 - have to -- again, I'd have to refer to whether we put  
14 a change to that or not. That just would have happened  
15 a few weeks before -- since then, actually, on this  
16 revision but --

17 MR. KUCHARSKI: It says, "Before  
18 encountering heavy weather, the Master should take  
19 proper precautions to stow and secure all the vessel's  
20 equipment." So how do -- how do you -- sorry. It went  
21 into a sleep mode.

22 MR. LAWRENCE: I made it do that.

23 MR. KUCHARSKI: There we go.

24 MR. LAWRENCE: That's enough with that line  
25 of questions now.

1                   MR. KUCHARSKI: The computer went into sleep  
2 mode. Divine providence. There you go. That was the  
3 life line that was thrown to you. Okay. So I don't  
4 want to beat you to death on this but there are  
5 passages in there because I've been looking at this  
6 very carefully and I guess I'm just trying to get my  
7 arms around -- I think we all have, what the reporting  
8 process is by SMS. We really don't know. We have it  
9 in there but we -- well, someone maybe will be able to  
10 explain it but you can't?

11                   If the Captain wanted to get -- to obtain  
12 weather routing assistance, who would he go to to ask  
13 for that permission?

14                   MR. LAWRENCE: I'm not sure. He can go to  
15 any -- you know, basically, I would -- I would imagine  
16 he would go to his port engineer or the director of  
17 ship management for that vessel. Typically, anything  
18 to do operational, any aspect, they would go there.  
19 However, I'm not saying he couldn't come to my  
20 division.

21                   If he comes to me or to my assistant, we  
22 would, obviously, find out that information for him as  
23 well and make sure it gets to the right person or,  
24 again, I look at us as a team. So, if somebody else  
25 isn't available, if I get a question from a captain on

1 a certain aspect that may or may not be typically the  
2 one I'd answer, I'd look into it for them.

3 MR. KUCHARSKI: Okay. So, if no other  
4 member of the team is available, if he came -- if he  
5 called you up and he said, Captain Lawrence, I want  
6 ship routing, do you -- can you then authorize it right  
7 then and there?

8 MR. LAWRENCE: No. I'd have to really  
9 research. I mean I feel I can authorize it but I have  
10 to research to see what it entails, what he's -- you  
11 know, I have to get to more details about it, what do  
12 other vessels have, do we have contracts with that.  
13 It's a scenarios that I'm typically not involved in.

14 So it may be something he's asking that we  
15 already have on other vessels. So I would find out the  
16 answer or direct it to somebody else within the office  
17 that I would feel would be better set to answer those  
18 questions.

19 MR. KUCHARSKI: Well, who would typically,  
20 in the -- in the weather routing or in the weather  
21 service that the vessel had, who would approve that?

22 MR. LAWRENCE: I would say it would be the  
23 Director of Ship Management for that vessel.

24 MR. KUCHARSKI: The Director of Ship  
25 Management?

1 MR. LAWRENCE: For those --

2 MR. KUCHARSKI: For those vessels?

3 MR. LAWRENCE: -- would be Jim Fisker-

4 Anderson.

5 MR. KUCHARSKI: Okay.

6 MR. LAWRENCE: Yes.

7 MR. KUCHARSKI: Who is an engineer, I  
8 believe?

9 MR. LAWRENCE: At this -- at this time.

10 MR. KUCHARSKI: Who is an engineer?

11 MR. LAWRENCE: I believe so.

12 MR. KUCHARSKI: Okay. Is there anyone with  
13 a nautical background that's in that process?

14 MR. LAWRENCE: Not that -- not that I'm  
15 aware of, no. And, again, not that they -- they'll  
16 come to me for certain advice or guidance at times  
17 because I am -- do have that background. They may also  
18 go to Eunice Kaderite-Young who is a Port Captain in  
19 our office, although she's dealing with the other  
20 vessel, one other vessel, typically. They may go to  
21 her for some guidance or information on that, too, that  
22 she may be able to find out for them.

23 MR. KUCHARSKI: Well, let me ask you  
24 specifically, did the Captain of the El Faro ever ask  
25 you for assistance in that?



1 MR. LAWRENCE: No.

2 MR. KUCHARSKI: To your knowledge, did the  
3 Captain of the -- any of the Captains on El Faro ask  
4 you for help or information, discuss any of that with  
5 you?

6 MR. LAWRENCE: Not that I recall.

7 MR. KUCHARSKI: Are you ware of anybody in  
8 your -- in your direct-reports? Do you have anybody  
9 that reports up to you?

10 MR. LAWRENCE: Patty Finsterbusch.

11 MR. KUCHARSKI: Has anybody asked her for  
12 any of that assistance?

13 MR. LAWRENCE: Not that I'm aware of.

14 MR. KUCHARSKI: Around the room? No?

15 [REDACTED]

16 MR. [REDACTED] Yes. Reading from the SMS for  
17 the weather-routing portion, it says, "Since weather  
18 routing service provides valuable information, it is  
19 strongly recommended that the Master pay particular  
20 attention to their guidance." From a company point of  
21 view, why didn't you just routinely provide this  
22 guidance to all your vessels?

23 MR. LAWRENCE: I said I'm -- I haven't dealt  
24 with that at all. I said I'm not familiar with what we  
25 do for the routing and that was something, again, that

1 my department of responsibility was not overseeing  
2 that.

3 MR. KUCHARSKI: Mike Kucharski. Besides  
4 GMDSS, what other forms or means of communication do  
5 you have or does the vessel have to talk to shore? I -  
6 - don't they have like iridium phones, cell phones or  
7 they -- what?

8 MR. LAWRENCE: Again, each vessel has  
9 different systems as far as I'm concerned. Again, I'm  
10 not that familiar with the -- each vessel's specific  
11 equipment but they have satellite phones is the typical  
12 way, either satellite phone or cell phone. If they're  
13 in port, the way I would communicate with the vessel  
14 would be through their cell phones. If they're at sea  
15 and out of cell phone range, I would communicate with  
16 the vessel either email both places or satellite phone.

17 MR. KUCHARSKI: When you say cell phone, is  
18 it a company-provided cell phone?

19 MR. LAWRENCE: Correct.

20 MR. KUCHARSKI: And, when you talk about  
21 satellite phone, it's a satellite phone --

22 MR. LAWRENCE: Through a contract we have on  
23 board the vessel, usually a Inmarsat C. So it's --  
24 that's a very --

25 MR. KUCHARSKI: Outside of the umbra of the

1 GMDSS equipment?

2 MR. LAWRENCE: Yes. I think so. I'm not --  
3 again, I'm not that familiar with the -- all the radio  
4 equipment on board the vessels. So my understanding is  
5 the satellite is separate from the GMDSS, maybe under  
6 the same contract.

7 MR. KUCHARSKI: Maybe not all the vessels,  
8 understood. It's a lot of vessels.

9 MR. LAWRENCE: Yes. Okay.

10 MR. KUCHARSKI: Let's zero in on the El  
11 Faro? Did she have alternate means of communicating  
12 with you outside of the GMDSS?

13 MR. LAWRENCE: If satellite phone, telephone  
14 is outside of the GMDSS, yes, she did.

15 MR. KUCHARSKI: Okay.

16 MS. BELL: Carrie Bell, NTSB. What would be  
17 a reason you might contact the vessel via phone or  
18 email while they're en route? Is there any time you  
19 would ever call them?

20 MR. LAWRENCE: Typically, if they had an  
21 incident, a injury on board, if I'm looking for  
22 outstanding paperwork, even then I don't -- I wouldn't  
23 do that that much. I'd do that more in port. But, for  
24 at sea, it would -- I don't have a lot of communication  
25 with the vessels unless we're planning an audit,

1 looking at where they're going to be in port next, any  
2 issue that may come up that would involve safety and  
3 myself. But, typically, I would say it would be some  
4 type of an injury or medical advice that they are  
5 seeking from our medical advisor that I would follow up  
6 on.

7 MS. BELL: So you wouldn't -- you wouldn't  
8 call just to check in, if they're in bad weather and  
9 you know they're in bad weather?

10 MR. LAWRENCE: No.

11 MS. BELL: And you never just call to check  
12 in?

13 MR. LAWRENCE: I wouldn't -- I wouldn't say  
14 never. You know? If it's -- if it's something that I  
15 feel that they need or somebody needs to talk to them  
16 about or for some reason. It's a case-by-case  
17 situation. I wouldn't -- I would always -- if I felt  
18 it was needed, I would call them. Let's put it that  
19 way.

20 I wouldn't shy away from calling the Captain  
21 of the ship for something I felt is either an  
22 operational concern or a safety concern, which  
23 basically everything comes back to a safety concern as  
24 far as I -- you know, as far as myself goes or  
25 environmental issue I would call them. But that's --

1 typically, most of my contact with all the vessels is  
2 either due to a -- an accident, an injury or an oil  
3 spill, some type of incident or, unless they're looking  
4 for some specific guidance having to do with permission  
5 to do certain work on board that they may need a hot-  
6 work permit or something like that for. Then they'd  
7 give me a call.

8 MS. BELL: Okay. Thank you.

9 UNIDENTIFIED SPEAKER: On the southbound  
10 voyage of the El Faro, how many times did you talk to  
11 the ship?

12 MR. LAWRENCE: I did not.

13 UNIDENTIFIED SPEAKER: With the exception of  
14 the final call?

15 MR. LAWRENCE: Oh, I'm sorry. Yes.

16 UNIDENTIFIED SPEAKER: Okay. Thank you.

17 MR. LAWRENCE: Yes. Yes. Just the one --  
18 the one communication with the ship. Yes.

19 MR. KUCHARSKI: Coast Guard, do you have  
20 one?

21 MR. NEUBAUER: I have one question.

22 MR. KUCHARSKI: Okay.

23 MR. NEUBAUER: Jason Neubauer, Coast Guard.  
24 Sir, would you typically receive an immediate call from  
25 the El Faro if there was a report of a marine casualty

1 and what level would -- if you did, what level would  
2 they normally report to you?

3 MR. LAWRENCE: I actually have a memo out to  
4 the ships that anytime they have a injury where they  
5 need -- they're contacting our medical advisors -- we  
6 have a medical -- contracted medical advisor service,  
7 that they should call me to discuss or HR but,  
8 typically, I want them to call me direct so I'm aware  
9 that they -- there's an injury, anything above a first-  
10 aid injury. Yes. Basically, that's a requirement.

11 Or any emergency situation as far as that  
12 any member of our emergency response team. I'm the  
13 first one on the list they would call for -- and for  
14 any type of a environmental issue, for an oil spill.  
15 Seeing it was QI, I would want them to call me direct  
16 and notify me. I'd be the first notification they  
17 typically would try. I would expect that.

18 MR. NEUBAUER: Were there any other types of  
19 emergencies to find, for instance, loss of power, fire,  
20 flooding?

21 MR. LAWRENCE: All those are addressed in  
22 our manuals but, as far as -- as far as notification to  
23 the company, they -- I would typically expect that call  
24 as well either to me or -- again, it depends on the  
25 severity, I think, of it. But seeing I'm the emergency

1 team coordinator and the first one to call, I would  
2 expect a call for loss of propulsion or something like  
3 that. If there's anything that would possibly require  
4 a Coast Guard 2692 Casualty Report, either I would  
5 expect a call or an email depending, again, on the  
6 severity of the notification.

7 We actually have a packet -- a -- for any  
8 type of incidents that have all the specific forms that  
9 they would need to fill out. It's kind of a -- instead  
10 of having to look up the different forms, including  
11 2692s for any type of a injury incident or a -- or an  
12 accident. And that gives specific instructions on  
13 there to -- it still says -- again, that's one of the  
14 changes we have to make.

15 It says you can fax it to the company. We  
16 typically don't do the faxes anymore but it has  
17 notification requirements to notify the company, you  
18 know, within so many hours of this. But, typically,  
19 with the communications we have now, they would do that  
20 verbally.

21 MR. NEUBAUER: As part of that package, sir,  
22 are there any checklists for each type of emergency  
23 that you fill out?

24 MR. LAWRENCE: That I fill out, myself? No.  
25 There's -- no. There's none that I'd be using for

1 that. There are checklists within our vessel response  
2 plans that can be utilized but I have not been  
3 utilizing any specific checklists.

4 MR. SHEPHERD: Al Shepherd, ABS. I think  
5 it's my last question. With regard to -- I wasn't  
6 privy to -- I wasn't party to your initial interview  
7 and I -- you don't need to rehash that now but it's a  
8 question I have. If you've already covered it, we  
9 don't need to readdress it here.

10 In your role as DPA, when you got that  
11 notification -- again, I don't know the exact date of  
12 that notification, did you -- what was your response  
13 within the company? What did -- what did you do within  
14 the company? Who did you -- who did you notify about  
15 it?

16 MR. LAWRENCE: Okay. After the initial --  
17 after the two -- I mean just to reiterate, you know, he  
18 gave me a direct call on my cell phone, left a voice  
19 message because I'd picked up on the last call. During  
20 my -- after I listened to the voice message, I  
21 immediately attempted to call him back on satellite  
22 phone. During that attempt to call him, he actually  
23 was calling through the call center, our alternative  
24 number. So I accepted that call and then put me into  
25 direct conversation with him.



1                   Once I realized what apparently was an  
2                   urgency to the call, when we hung up, you know, I told  
3                   him, okay, get to it and I'll notify the Coast Guard.  
4                   What I did there, I called -- I actually sent out a --  
5                   I actually can't remember. I'd have to look at my time  
6                   line whether I called -- I think I made an initial call  
7                   to our Vice President of Operations, Mitch Walker, and  
8                   asked him to make other notifications to our President  
9                   and to other people. We have a list in our emergency  
10                  response team, you know, of who should be contacted;  
11                  obviously, the owners and various people involved.

12                  I told him I was notifying the Coast Guard  
13                  already. So I asked him to notify the other people on  
14                  the list and so that way I could keep the -- my phone  
15                  free for communications with the Captain and/or the  
16                  Coast Guard.

17                  MR. SHEPHERD: Thank you.

18                  MR. LAWRENCE: Thank you.

19                  MR. KUCHARSKI: Just out of curiosity, you  
20                  mentioned Mitch Walker. He's Vice President of  
21                  Government Operations --

22                  MR. LAWRENCE: Correct.

23                  MR. KUCHARSKI: -- vessels. Okay. But you  
24                  went to him because of --

25                  MR. LAWRENCE: Just because he's located

1 within our office here in Jacksonville where Phil  
2 Morrell is located in Seattle on the west coast. So  
3 Phil may be upset at me that I didn't call him  
4 immediately as well but it was -- typically, Mitch is  
5 part of our emergency response team so I called him,  
6 you know, knowing he was in the office or be in --  
7 going into the office shortly. And that's just the  
8 typical protocol I use. I will call him or sometimes  
9 Lee Peterson here but usually I call Mitch because I  
10 know that -- seeing he's Vice President, let him notify  
11 the President and other people on the list. And that  
12 way I know they're going to get the notification fairly  
13 quickly and Mitch has been with the company for a long  
14 time, too, so he's aware of the protocol and the people  
15 that -- within the company.

16 MR. KUCHARSKI: And his background is  
17 engineering, deck?

18 MR. LAWRENCE: Engineering.

19 MR. KUCHARSKI: Engineering.

20 MR. LAWRENCE: Right.

21 MR. KUCHARSKI: And Mr. Morrell's background  
22 is?

23 MR. LAWRENCE: Engineering, if I'm -- if I'm  
24 -- am I correct in engineering? Maybe I'm mistaken.

25 MR. PETERSON: Well, no. He wasn't a -- he

1       wasn't a mariner. He was --

2                   MR. KUCHARSKI: Could you identify yourself,  
3       please?

4                   MR. PETERSON: This is Lee Peterson. I --  
5       he wasn't a mariner. He came out of the shipyards when  
6       he was a -- but he'll be here tomorrow.

7                   MR. KUCHARSKI: Okay.

8                   MR. LAWRENCE: I'm sorry. I thought he was  
9       an engineer.

10                  MR. KUCHARSKI: Trying to build on Al's  
11       train of thought here. Okay. This is Mike Kucharski  
12       back. Do you do any tabletop drills at the office and  
13       include the ship as to emergency situations outside of  
14       spill response?

15                  MR. LAWRENCE: Since -- not since I've been  
16       there at the office.

17                  MR. KUCHARSKI: Do you have any records of  
18       any -- looked through the records to see if they've  
19       done a tabletop --

20                  MR. LAWRENCE: No, I haven't.

21                  MR. KUCHARSKI: -- with a ship on say a  
22       fire, flooding or any situation, collision, grounding,  
23       anything like that that you've seen?

24                  MR. LAWRENCE: We do a security drill,  
25       annual drill that's incorporated with an emergency

1 drill on an annual basis. And I know Eunice Kaderite-  
2 Young -- I usually leave her. She volunteers to do  
3 that because she's been doing it for the company.  
4 She's been there a lot longer than I have, so I turned  
5 that over to her last -- when we did one this past year  
6 to initiate it and contact the vessels to call in.

7 And they -- again, I have to refer to the  
8 actual records for that but I know that we've contacted  
9 the vessels and I let her take the lead and I've been  
10 involved in it as well and have the vessels come up  
11 with a specific emergency and incorporate a security  
12 emergency with that as well. And then they'll call in.  
13 That's typically when -- one of the times when they'll  
14 set off their SSAS alarm, you know, as part of a drill.

15 They do that on a quarterly basis as it is  
16 required also. But we'll do that on the -- near the  
17 end of the year, typically, as a tabletop type  
18 exercise.

19 MR. KUCHARSKI: And that includes a ship?

20 MR. LAWRENCE: Correct.

21 MR. KUCHARSKI: And it's a security --

22 MR. LAWRENCE: We, actually -- the ship,  
23 actually -- we have the ship initiate it. We tell them  
24 -- give them a period of time, a day and say we want  
25 you to initiate this. And then we speak to them.

1 MR. KUCHARSKI: So it's security plus some  
2 other type of incident on board ship?

3 MR. LAWRENCE: To my best or recollection,  
4 yes. I'd have to look up the actual records. Again,  
5 I've just been with the company a little over a year.  
6 So we've only conducted one of those and seeing that  
7 Eunice Kaderite-Young was most familiar from doing  
8 those in the past, I gave her the lead and let her run  
9 with it.

10 MR. KUCHARSKI: Is she in the office with  
11 you?

12 MR. LAWRENCE: Yes.

13 MR. KUCHARSKI: I mean in the same office?

14 MR. LAWRENCE: Yes. We just have one open -  
15 - one open room, basically, in our office setup.

16 MR. [REDACTED] Coast Guard. I  
17 want to circle back to the 7:00 in the morning call.  
18 We talked about tabletop exercises. Do you have a  
19 protocol that you could produce that explains what you  
20 do for this particular call? In other words, this --  
21 you -- we've had a discussion, ship in distress versus  
22 ship at sea and say -- is there a protocol that you  
23 follow?

24 MR. LAWRENCE: Not specifically for the --  
25 for the different type of casualties. It would be more

1 for general, you know, marine casualty versus an oil  
2 spill versus an injury. And, again, I'd have to refer  
3 to our emergency response team manual to see if there's  
4 any specifics. I'm not aware of any specifics in  
5 there.

6 And then, within our overall emergency  
7 procedures manual, there are various specifics in there  
8 for different types of casualties, including abandon  
9 ship and other things there, too, as far as giving  
10 guidance. It's more generic guidance though for the  
11 entire fleet.

12 MR. [REDACTED] So you have experience and  
13 background as a Master. But did you have that actual -  
14 - you mentioned specifics. Did you have the specific  
15 protocol or similar checklist or whatever at your  
16 disposal where you were when you received that call?

17 MR. LAWRENCE: I did. I had my Emergency  
18 Response Team manual. So once I -- I carry that with  
19 me at all times, except right now. It's up in the room  
20 if you need it. But basically I take a look at that  
21 for -- I know the call coming in. And then I would  
22 immediately pull out the manual to make sure I had the  
23 proper Chip satellite number if I was able to call it  
24 and call back.

25 I also have all the contact numbers for all

1 of our people on the Emergency Response Team, all the  
2 people in the company, all cell phone numbers, all the  
3 satellite numbers for all the vessels. So it's all the  
4 contact numbers including all regulatory contact  
5 numbers.

6 And what I did in that instance there is I  
7 knew that the Captain had told me he was going to push  
8 the security alarm, so I knew that would be going off.  
9 So it's, right after our conversation, within a few  
10 minutes, I received a message from the RCC Norfolk.  
11 Well, basically, it comes right from the ship and then  
12 an additional message goes to RCC Norfolk.

13 So I knew that they would be calling me if I  
14 didn't call them because my name is on the SSAS alerts  
15 as well. So I immediately, when I hung up the first  
16 thing I did was call. And I saw the alert come through  
17 to us, and it comes through via text and email to every  
18 person on the Emergency Response Team.

19 But what I did is I called the RCC Norfolk  
20 to explain to them about the situation, that it wasn't  
21 a security alarm but it was basically a distress  
22 signal. And then they told me they'd call Coast Guard  
23 Miami. And they took care of that call and they said  
24 to expect a call back from them.

25 So I gave them my number and I did receive a

1 call back from them later. In the meantime, I had  
2 called, you know, Mitch Walker and asked him to make  
3 company notifications. And then right after that I  
4 sent out a message to the entire Emergency Response  
5 Team, an email, a quick email with just a quick  
6 synopsis of the casualty to let them that I had taken  
7 the call and that, quickly the specifics of what the  
8 ship was going through.

9 MR. [REDACTED] I'm curious as to, during that  
10 call, the fact that you didn't ask -- in other words,  
11 the captain didn't ask for anything.

12 MR. LAWRENCE: Correct. He told me that he  
13 was calling me just to give me a heads-up that he was  
14 going to be pushing the alarms.

15 MR. [REDACTED] Okay.

16 MR. LAWRENCE: And he gave me position, and  
17 then I asked some additional questions quickly in order  
18 not to keep him on the phone too long.

19 MR. [REDACTED] Did you ask that -- we had  
20 this conversation but I want to clarify it --

21 MR. LAWRENCE: Yes.

22 MR. [REDACTED] -- because there was some  
23 information that I heard, but I wasn't sure. Did you  
24 ask him if he needed tug assistance?

25 MR. LAWRENCE: I did not.



1 MR. [REDACTED] Did you ask him if he needed  
2 salvage assistance?

3 MR. LAWRENCE: I did not.

4 MR. [REDACTED] And I don't want to go into  
5 the subject matter but did the Captain have a private  
6 message for you of any type? You don't have to  
7 disclose the contents but I'm wondering --

8 MR. LAWRENCE: No.

9 MR. [REDACTED] And then when, eventually, you  
10 spoke to the Coast Guard in Miami they classified it as  
11 a distress, the activity that the ship was going  
12 through, as being disabled.

13 MR. LAWRENCE: Correct.

14 MR. [REDACTED] Did you have any thoughts  
15 about pushing back to them and, from your point of view  
16 as a DPA or company representative, insisting that this  
17 was a vessel in distress and reclassifying that or  
18 strenuously reclassifying that?

19 MR. LAWRENCE: No.

20 MR. [REDACTED] Okay. Thank you very much.

21 MR. LAWRENCE: Okay.

22 MR. [REDACTED] [REDACTED] [REDACTED] with the Coast Guard.  
23 Kind of a lead-off of what [REDACTED] was saying, there in  
24 your safety management system you were talking about  
25 earlier evaluation of the situation.

1                   And in Section 5.2 it talks about it should  
2                   only be assumed that the situation will not get better  
3                   and will, in fact, worse. And it is the stance of the  
4                   company to take that approach to a situation. So based  
5                   on the call and the fact the vessel was flooding, do  
6                   you feel like, that you guys reacted in accordance with  
7                   the section in assuming it that it was the worst  
8                   scenario?

9                   MR. LAWRENCE: Yes. I notified a salvage  
10                  contractor immediately during those, right after the  
11                  initial calls to put them on notice in case we needed  
12                  them as well.

13                 MR. [REDACTED] So would you say -- your safety  
14                 manual says it's better to overreact on the side of  
15                 safety, and it should be assumed that it will not get  
16                 better. So, again, kind of talking about what [REDACTED]  
17                 was talking about, and talking to Coast Guard and  
18                 stuff like that, do you feel like that that's the  
19                 approach you guys took towards the situation?

20                 MR. LAWRENCE: Yes, I do, because I did not  
21                 feel that there was a danger of loss of life at the  
22                 time. My initial interpretation or impression is a  
23                 loss of, basically a disabled vessel.

24                 And from the information that I, you know,  
25                 my opinion, from the information that I received from

1 the captain, I had no reason to not believe that they  
2 were going to straighten the ship up and get the  
3 engines back on, and maybe have loss of communications  
4 continue.

5 But I honestly didn't feel there was -- and  
6 that may be because the Captain was so calm and  
7 professional that I didn't get that impression from him  
8 until it was heightened a little bit when he said we're  
9 not planning on leaving the vessel right now.

10 And that's when I realized maybe it is a  
11 little bit more serious, the things that are going on  
12 there, than was being portrayed. And that's when I  
13 said, okay. I asked a few other questions about the  
14 weather at the time. And even the weather he gave me  
15 didn't appear to be that bad right then and there.

16 So that's when I said -- and he said he was  
17 going to push the alarms, so I said, okay, well, get to  
18 it and I'll -- basically I was going to get off, get  
19 out of his hair and let him do his job, and then I do  
20 my job.

21 MR. [REDACTED] Thank you.

22 MR. YOUNG: This is Brian Young with NTSB.  
23 Do you guys, in your group, stand any sort of a  
24 rotational watch that could be gotten hold of by the  
25 emergency call service? Or do they know just to call

1       you?

2                   MR. LAWRENCE: Does the Captain know just to  
3       call me, are you saying?

4                   MR. YOUNG: No, does the emergency call  
5       center know --

6                   MR. LAWRENCE: Oh, they have the list of our  
7       whole Emergency Response Team as well. And they go  
8       right down the list then. So what they do is they  
9       initially will send a email and a text to the entire  
10      team.

11                   And if they don't -- what they're  
12      attempting to do in that case is to hold the Captain on  
13      the phone or on the call or on the phone and then  
14      they'll send a text out. And then they'll wait for  
15      either us to call them back or they'll try to contact  
16      the first person on the list, which is me.

17                   And so the purpose is to hold them, to hold  
18      the person on the phone so they don't let them go. And  
19      then that's -- it did work at that time. They're aware  
20      as soon as they call the first person on the list,  
21      which is me. While they're doing that then I answered  
22      and they put me in direct contact with the Captain.

23                   MR. YOUNG: Okay. But you would be the  
24      first -- your number would be the first one to call?

25                   MR. LAWRENCE: Correct.

1 MR. YOUNG: Okay. Who would be beyond you,  
2 next?

3 MR. LAWRENCE: I'd have to look at the list.  
4 I think it's Lee Peterson.

5 MR. PETERSON: No, I'm actually towards the  
6 bottom of the list.

7 MR. LAWRENCE: Oh, are you on the bottom?

8 MR. PETERSON: I think it comes up like with  
9 Eunice (phonetic).

10 MR. LAWRENCE: Eunice Kaderite-Young. Okay.

11 MR. KUCHARSKI: And that's Lee Peterson  
12 talking too?

13 MR. PETERSON: Yes.

14 MR. KUCHARSKI: Okay, thank you.

15 MR. LAWRENCE: We have to take a look at the  
16 list, yes.

17 MS. BELL: Carrie Bell, NTSB. As an  
18 experienced designated person, I assume you've taken  
19 calls in the past that have been distressed that you  
20 had to pass on. Would you say that -- and this is  
21 generalizing but just from, in your opinion, that a  
22 master would be hesitant to indicate real distress if  
23 they thought they might be able to make things work and  
24 not want to scare anyone or let anyone think that it's  
25 worse, the situation is worse than it is?

1 MR. LAWRENCE: I would agree with you. I  
2 think it depends on the personality of that master.  
3 But, yes, I would think that they would not want the  
4 intention to just basically put everyone, you know,  
5 worried about that it's worse than it is. Yes, I  
6 agree. Your words are right. Correct.

7 MS. BELL: Thank you.

8 MR. KUCHARSKI: Mike Kucharski. Ball's back  
9 in my court now. Does the master hold a pre-departure  
10 brief before each voyage?

11 MR. LAWRENCE: He's supposed to.

12 MR. KUCHARSKI: In your audits have you  
13 checked that to see if they do a pre-departure brief?

14 MR. LAWRENCE: I don't recall. I've done a  
15 lot of past audits and that is something that I could  
16 or would check but not necessarily and, again, on my  
17 sampling, and I know I did not check that on the El  
18 Faro's audit.

19 MR. KUCHARSKI: How about the chief  
20 engineer? Are they supposed to hold a pre-departure  
21 brief?

22 MR. LAWRENCE: I'm not sure. I believe they  
23 should. I would have to, again, look at this manual  
24 to, you know, to see actually what's required. Because  
25 --

1 MR. KUCHARSKI: Okay, so you don't --

2 MR. LAWRENCE: I'm not sure.

3 MR. KUCHARSKI: Because I've looked at the  
4 SNS. I don't find the bridge pre-departure brief. Is  
5 there pro forma for that that you know of?

6 MR. LAWRENCE: I'd have to -- I'd have to  
7 refer to the manual. I said I've, unfortunately,  
8 worked for a number of different companies and I'm not  
9 sure if this manual says that or not.

10 MR. KUCHARSKI: Is there actually a JHA  
11 matrix? You mentioned that earlier about matrix. Is  
12 there one?

13 MR. LAWRENCE: I do not believe there is one  
14 here. The matrix I was talking about was for hot work  
15 permits for conducting hot work. It tells you the  
16 different levels where you need company permission.

17 MR. KUCHARSKI: Okay, so only a JHA matrix  
18 for hot work but not for other items?

19 MR. LAWRENCE: Correct -- no, it's not a JHA  
20 matrix. It's basically a hot work permit matrix where  
21 you would need -- it tells you what permissions you  
22 would need for various types of hot work. I don't -- I  
23 don't specifically remember if it has JHA written down,  
24 you know, for a requirement with hot work.

25 MR. KUCHARSKI: You reviewed the SMS. Is it

1 reviewed on a annual basis, quarterly basis or any  
2 scheduled basis as reviewed?

3 MR. LAWRENCE: Shoreside?

4 MR. KUCHARSKI: Yes.

5 MR. LAWRENCE: You mean? Yes. Well, I have  
6 a -- there is a management review that is done as least  
7 annually. And I'll actually sit down with the senior  
8 executives and give them a report annually on the  
9 condition of our system, whether or not I, you know,  
10 any changes, any major changes that I feel we need to  
11 make. I mean, any minor changes I can just make on my  
12 own, with permissions.

13 We do have an approval process that, so not  
14 just one person can really just make changes. But on  
15 an annual basis it's required. And it's part of the  
16 ISM as well that you have to have a management review  
17 annually. And that management review means sitting  
18 down with the senior people in management, including  
19 the President, and going through our system, seeing if  
20 they're -- there's actually a list of the requirements  
21 that I put in there of what we're supposed to look at  
22 and address as part of ISM system.

23 One being if we have the proper resources,  
24 you know, going over any major incidents we've had. A  
25 little bit of everything as far as ISM is concerned but



1 it would be an overall review. And we do that, and  
2 it's recorded, on an annual basis.

3 MR. KUCHARSKI: Changes to the safety  
4 management system, are you always involved in that  
5 process?

6 MR. LAWRENCE: Yes.

7 MR. KUCHARSKI: Are you the final person  
8 that signs off on it?

9 MR. LAWRENCE: No.

10 MR. KUCHARSKI: Who is the final person?

11 MR. LAWRENCE: It's -- and it's been since  
12 if it was just a typo or something like this, I can  
13 sign off on it. The way our system is set up there,  
14 you could see on every page, it has who's the preparer  
15 of that change or page and then who's the approver of  
16 that page.

17 And, typical, on many of the pages, Lee  
18 Peterson approves a lot of the sections in the manual.  
19 So it has to be somebody -- has to be an executive.  
20 The way our manual's written is that only an executive  
21 can make any major changes in the manual.

22 MR. KUCHARSKI: An executive level would be  
23 director and above?

24 MR. LAWRENCE: No.

25 MR. KUCHARSKI: Well, where does the

1 executive level fall in here, mind (inaudible).

2 MR. LAWRENCE: It varies as far as what the  
3 president has designated as various positions as  
4 executive. I think Lee Peterson's title of director,  
5 he's an executive. But it doesn't say that every  
6 director is an executive.

7 MR. YOUNG: My --

8 MR. KUCHARSKI: Yes?

9 MR. YOUNG: I'm sorry. Could I ask a  
10 question?

11 MR. KUCHARSKI: Sure, sorry.

12 MR. YOUNG: This is Brian Young from NTSB.  
13 How do you know and verify that the crews have received  
14 the updated versions of the SMS system?

15 MR. LAWRENCE: There's control numbers.  
16 Anything we send out with the SMS system we ask for  
17 either a electronic confirmation that they received it  
18 or we have a transmittal form, too, that sometimes is  
19 still used if it's something that is sent, if it's  
20 paper format that we're sending to them. They will  
21 have to send those back and we keep records of that.

22 But mostly, we're in the transition period.  
23 We're trying to go electronic on a lot of the different  
24 systems. So certain parts, like our security plan, is  
25 now all electronic versus our manuals. On some vessels

1 it is electronic. It's on a CD. They don't have the  
2 paper version. And other vessels still have the paper  
3 version. So we're right in the middle of a transition  
4 period there. And we're actually trying to go forward  
5 as far as finding even a better platform rather than  
6 just a CD at this point here.

7 So anytime I send something out having to do  
8 with any documents, any part of the safety management  
9 system, any memos that I'll send out that are part of  
10 the management system, I'll ask them, ships, for --  
11 I'll actually put in there, you will not get a paper  
12 copy. Please confirm to a certain person in the  
13 office.

14 Usually I use a -- I'm not sure of her title  
15 -- Karen Peterson is the one who does a lot of our  
16 updates of our manuals for us, does the physical  
17 sending out of a lot of them. And then the keeping of  
18 the file system, she does that.

19 So I'll have them send a notification to her  
20 and then she'll file that either, typically  
21 electronically now, that response from the vessel. So  
22 that's our confirmation that they've received any  
23 changes or any new memos or anything like that.

24 MR. YOUNG: Okay, so you -- policies update  
25 on the ship. The ship gets the disc. How do you know

1       that the crew has received the information that the  
2       policy may have been updated?

3                   MR. LAWRENCE:   Leave that to the Captain.  
4       He's the Captain.   He's supposed to be having periodic  
5       meetings with his crew.   They have a monthly safety  
6       meeting aboard the vessel, and that's when they're  
7       supposed to discuss anything new to do with the ISM or  
8       the manuals.   And they do it, I think, more often than  
9       the monthly.

10                   And typically they may even put a notice on  
11       the bulletin board, you know, that this is a change.  
12       If it's a new policy that we want they'll, a lot of  
13       times, post it on the vessel or it may be something  
14       that we directed them to post it on the vessel.   It  
15       varies.

16                   But it's more an on-board function to make  
17       sure that the crew is aware of -- they have access to  
18       the safety management system.   And it's typically,  
19       again, by the disc or the books themselves.   You know,  
20       they'll have access to maybe another -- and, again,  
21       ship -- varies ship to ship.

22                   They may have a separate, you know, laptop  
23       computer down in their crews' areas that they can  
24       access the safety management system on that with a  
25       duplicate or what they call uncontrolled disc in that

1       respect there. So, again, it varies vessel to vessel  
2       how it's accomplished.

3                   MR. KUCHARSKI: Follow-up?

4                   MS. BELL: Carrie Bell, NTSB. Do you --  
5       again, you said they do monthly meetings onboard the  
6       ship.

7                   MR. LAWRENCE: Correct.

8                   MS. BELL: Safety meetings. Do you get any  
9       minutes from those?

10                  MR. LAWRENCE: Yes.

11                  MS. BELL: And do you follow-up if there's  
12       anything that, if there are issues raised, anything  
13       like that?

14                  MR. LAWRENCE: Yes.

15                  MS. BELL: Are there issues raised?

16                  MR. LAWRENCE: Sometimes. I said I don't  
17       look at them myself. I have, actually, my assistant,  
18       she looks at most of them when they come in there. And  
19       if it's -- once in a while they come in to both of us.  
20       And so I'll make sure that she has them all.

21                         And then it varies whether I'll open them up  
22       or not, depending on -- depending if I want to see that  
23       specific vessel's minutes or if I'm looking for  
24       something or if there is something. But if there's any  
25       issues in there, yes, we are supposed to follow up on

1 it. So as far as I know, we are following up on it.  
2 We have good communication in the office about that.

3 MS. BELL: So does she let you know if she  
4 follows up on --

5 MR. LAWRENCE: Yes.

6 MS. BELL: -- and of those types of things?

7 MR. LAWRENCE: Yes, or she'll tell me of an  
8 issue that she feels is significant enough that I need  
9 to follow up on. Or we may even need to raise it to an  
10 executive level to follow up on.

11 MS. BELL: Do you have meetings with  
12 executive level with a parent company or anything like  
13 that on a regular basis to discuss these meetings?

14 MR. LAWRENCE: We do. We do in a few  
15 different ways. We have the Management Review I spoke  
16 about with all the executives and that. And we also  
17 have a quarterly Safety Committee meeting. And that's  
18 where we actually have that in the office, from our  
19 office, and we have call-ins from all the vessels that  
20 happen to be in port, and they can call in at that  
21 time.

22 And it's talking about any and all incidents  
23 we had, both first aid injuries and any oil spills to  
24 water we've had. We'll go into detail and actually  
25 we'll specify the vessel, go through each one of those

1 incidents we've had in the quarter.

2 We'll discuss every near miss report that  
3 comes in from the vessels. At this stage here, you  
4 know, my goal is to have too many that you can't  
5 discuss them all but at this time here we're still  
6 discussing every one of them, which may be, you know,  
7 anywhere from 15 to 20 near-miss reports that come in  
8 in a quarter.

9 And we'll talk about any safety issues, any  
10 new regulatory requirements that have come up during  
11 that quarter that would need to be sent up to the --  
12 would be an issue to the fleet.

13 Any major accidents or incidents, you know,  
14 non-physical incidents, you know, non-injuries but some  
15 other accidents like if we have any oil spills we'll  
16 also include that there. If we have an catastrophes,  
17 any groundings, any type of marine casualty, we'll  
18 actually add that to the list.

19 And then we'll have the side to it, if we've  
20 given out a specific safety award to somebody for doing  
21 a good job on the ship we'll include that too. So we  
22 follow up, we'll discuss all that in the meeting which  
23 will typically go, you know, probably anywhere from 45  
24 minutes to an hour and a half. It varies somewhat in  
25 the information we have in there.

1                   And then we'll follow up and publish the  
2                   entire discussion of that meeting in a newsletter, and  
3                   we'll send that out to the entire fleet. And, for  
4                   instance, the last one we sent out there, I also  
5                   included all of our findings, internal audits done on  
6                   the American Roll on/Roll off carriers.

7                   The seven ships we had there we had to  
8                   conduct internal audits within a three-month period.  
9                   So that was timely. So we sent -- I included every one  
10                  of the findings in those internal audits and sent that  
11                  to the entire fleet for awareness and just to see what  
12                  we were finding. So additionally, just, and again,  
13                  we're a fairly small open floor office, so we'll get  
14                  together in a lot of meetings on a lot of different  
15                  issues just internally and discuss them.

16                 MS. BELL: And what is that newsletter that  
17                 you do?

18                 MR. LAWRENCE: It's the quarterly safety, I  
19                 think, I forget what we call it, Safety and  
20                 Environmental newsletter.

21                 MS. BELL: Is that actually on the Internet  
22                 or is that something internal?

23                 MR. LAWRENCE: No, it's internal. So we  
24                 send it. So we send a copy to the fleet by email.

25                 MS. BELL: Thank you.



1 MR. LAWRENCE: Okay.

2 MS. SERRIDGE: This is Melissa Serridge with  
3 TOTE Services. Is there any sort of mechanism or  
4 scheduled meeting where all the executives and  
5 management get together where you would discuss an item  
6 on a more frequent basis than just quarterly and where  
7 the directors could then reach out to the team for  
8 things that needed to be discussed or brought up --

9 MR. LAWRENCE: There --

10 MS. SERRIDGE: -- maybe weekly?

11 MR. LAWRENCE: Yes, there is a weekly  
12 meeting we call a flash meeting and we do bring up any  
13 safety issues during that. And that involves almost  
14 everybody at manager level and above in the entire  
15 office, directors, executives, typically 15 people at  
16 the table. And that's, right now it's we always  
17 schedule Wednesday afternoons.

18 It typically goes from one to an hour-and-a-  
19 half. And one of the things on the agenda is safety.  
20 And we talked about any recent safety incidents, any  
21 safety concerns, any safety issues we have during that  
22 meeting as well. And the President's there at all  
23 those meetings, also. Yes, so I forget where I was  
24 going there.

25 MR. [REDACTED] [REDACTED] [REDACTED] Coast Guard.

1 Is fatigue a safety issue?

2 MR. LAWRENCE: Definitely.

3 MR. [REDACTED] How about the mariner's use  
4 of prescription and non-prescription medications?

5 MR. LAWRENCE: I would say it's a safety  
6 issue. If it's being abused or something, they  
7 shouldn't be using that causes fatigue or other issues.

8 MR. [REDACTED] What about if they should be  
9 taking a prescription and don't?

10 MR. LAWRENCE: Well, I think that goes  
11 without saying that could cause an issue too, depending  
12 on what the prescription is for, if it affects their  
13 ability to work or if it causes a fatigue or other  
14 mental issue.

15 MR. [REDACTED] Okay. So who on board the  
16 vessel has oversight of those issues; fatigue and  
17 medications?

18 MR. LAWRENCE: Well, the Captain has the  
19 ultimate oversight, but I think every supervisor on  
20 board is -- should be aware of what their people are  
21 doing and just on, you know, looking out for signs of  
22 fatigue problems.

23 We also have, I mean there's, aside from the  
24 medication issues, there's work hour rules that every  
25 ship has to follow legally and they keep track of those

1 work hours for all the people on board.

2 They have, you know, either electronic  
3 program for rest hours, work hours or the company has a  
4 spreadsheet that they can utilize if they don't have  
5 the electronic programs on board. So everyone's  
6 looking at those issues.

7 MR. [REDACTED] And are shipboard personnel  
8 required to report the use of over-the-counter  
9 medications such as Sudafed?

10 MR. LAWRENCE: Not to my knowledge.

11 MR. [REDACTED] And just, who ashore provides  
12 routine oversight of those two specific issues?

13 MR. LAWRENCE: I would say their HR  
14 department.

15 MR. [REDACTED] And do they?

16 MR. LAWRENCE: I would say it's -- you know,  
17 as I said they have the oversight as far as the cabins,  
18 you know, the personnel basically, personnel issues of  
19 the people coming on board and signing.

20 They would sign a form when they come on  
21 board the vessel there that says what medications they  
22 may be on, their physical history if the have any  
23 issues in the past that they have to sign when they  
24 first come aboard the ship. It's part of their  
25 indoctrination paperwork.

1 MR. [REDACTED] For the transcriptionist,  
2 [REDACTED] [REDACTED] Are you notified of any variances from  
3 policy measure from the safety side? Does HR report to  
4 you if ships aren't maintaining their watch schedules  
5 or medical oversight?

6 MR. LAWRENCE: Not necessarily report to me.  
7 I mean, I think we worked together on any issues that  
8 we see. We, in fact, HR and myself and my assistant,  
9 we work very closely together because we're the Medical  
10 Advisory Service. If there are any injuries we have a  
11 claims person who works directly for HR as well, that's  
12 involved in any medical assistance that's required at  
13 shore side, so.

14 Whereas I'm in charge of the injury  
15 statistics and the environmental statistics of the  
16 company for reporting that to our parent companies and  
17 to the company itself. So I'm watching that. Plus I  
18 get the work hours that are sent to me each month from  
19 our Human Resource Department and our Labor Relations  
20 Department. And that's more for statistical purposes  
21 of, you know, looking at injury rates and things like  
22 that.

23 So classification of injuries, you know, the  
24 Director of Labor Relations and myself agreed to get  
25 together on any type of injury above first aid as far

1 as the classification. And so we both get involved.  
2 We work together as a team, pretty much, on anything  
3 that's needed, if we need to do a medevac or we have an  
4 issue.

5 The other part is, too, is that like right  
6 now one of my hats is the designated employee  
7 representative, the DER for the company for the drug  
8 and alcohol program. So again, that's obviously a  
9 personnel issue when we're doing drug and alcohol  
10 requirements. And, so again, we work very closely  
11 together as far as Labor Relations, Human Resources and  
12 myself find any type of issues that may come up from  
13 that.

14 MR. [REDACTED] So you've said a couple of  
15 times -- and I know that most mariner's can do, you  
16 know, they handle any challenge coming their way, but  
17 you said repeatedly that you wear a couple of hats for  
18 a small company. Is that too many hats?

19 MR. LAWRENCE: Not yet.

20 MR. [REDACTED] Thank you very much.

21 MR. LAWRENCE: Okay.

22 MR. SHEPHERD: Al Shepherd, ABS. You  
23 mentioned a couple matrix. You talked about one for  
24 hot work. Is it you also have a matrix for drills and  
25 training?

1 MR. LAWRENCE: Correct.

2 MR. SHEPHERD: Is that something your group  
3 maintains or is that something your group --

4 MR. LAWRENCE: It's --

5 MR. SHEPHERD: -- monitors?

6 MR. LAWRENCE: It's something that is in our  
7 system, our Safety Management System that the vessels  
8 have and they have the listing of exactly the  
9 requirements and that's something that they'll send in  
10 again on a quarterly basis of the training. We call it  
11 tracked training. And so it's training that we track  
12 by the means of them sending a quarterly update of what  
13 they've done on that specific vessel.

14 So we do look at that when it comes in  
15 basically to make sure all the blocks are filled in,  
16 they've signed off, they said that they've done it and  
17 obviously we take their word that they've done it.

18 MR. SHEPHERD: All right. Okay. But your  
19 group monitors that and tracks it?

20 MR. LAWRENCE: Yes.

21 MR. SHEPHERD: Good. And what do you find  
22 quarterly? So do you find pretty consistent that  
23 everything's done within the quarter?

24 MR. LAWRENCE: It is. And if it isn't, we  
25 follow up on it and go back to the vessel and say, you

1 know, hey, either you didn't send in your quarterly  
2 report and how come you didn't do this training on  
3 board at the time. And my assistant watches that right  
4 now.

5 MR. SHEPHERD: Okay. How about overtime?  
6 Do you get involved with tracked overtime? The reason  
7 I ask the question, it's one of those regulatory  
8 requirements, right? I mean --

9 MR. LAWRENCE: Well --

10 MR. SHEPHERD: -- you know, so many hours a  
11 person could work, right?

12 MR. LAWRENCE: Correct.

13 MR. SHEPHERD: Does your group track that at  
14 all?

15 MR. LAWRENCE: Together with the Labor  
16 Relations group I do, at times. Yeah, they -- and  
17 again, it depends on issues that may have arisen. We  
18 had some issues with port state on the new vessels  
19 we've taken over.

20 So we've identified some concerns there and  
21 we've spent probably additional time and focus on those  
22 specific vessels and where we've tried to work with  
23 them and as far as managing the times, managing the  
24 system and making sure that they're following it. And  
25 I was listed on there our Labor Relations director as

1 far as helping monitor where the vessels can report to  
2 me direct. So again, that's one of those team efforts,  
3 I think, as far as monitoring that.

4 MR. SHEPHERD: Have you had any issues with  
5 the -- this question will be related specifically to  
6 the El Faro --

7 MR. LAWRENCE: Not that I'm aware of.

8 MR. SHEPHERD: -- the El Morro (phonetic)  
9 and the El --

10 MR. LAWRENCE: Yunque.

11 MR. SHEPHERD: Okay.

12 MR. LAWRENCE: Yes.

13 MR. SHEPHERD: So as I say in the last two  
14 years, any --

15 MR. LAWRENCE: Nothing that I can recall  
16 that came to my attention.

17 MR. SHEPHERD: No issues with any port state  
18 --

19 MR. LAWRENCE: No, what they --

20 MR. SHEPHERD: -- as far as to -- or  
21 external audits, internal audits with regard to  
22 findings related to hours of rest?

23 MR. LAWRENCE: Yes, those vessels aren't  
24 subject to port state control because they're all  
25 around Jones Act --



1 MR. SHEPHERD: Of course.

2 MR. LAWRENCE: -- around there.

3 MR. SHEPHERD: Okay.

4 MR. LAWRENCE: So they won't see it. So  
5 it'll be mostly --

6 MR. SHEPHERD: Right.

7 MR. LAWRENCE: -- Coast Guard --

8 MR. SHEPHERD: Yes. Collects that.

9 MR. LAWRENCE: -- you know, annual  
10 inspections --

11 MR. SHEPHERD: Right. Right.

12 MR. LAWRENCE: -- and our own audits. But  
13 again, I'm not aware of any. You know, that may be  
14 Labor Relations may have a better answer because,  
15 again, Labor Relations is dealing more directly with  
16 the people on board and some of the issues on board and  
17 especially those ships that they're on board a lot more  
18 frequently than I am.

19 MR. SHEPHERD: Does TOTE have a training  
20 that's required beyond what's required regulatory  
21 bodies?

22 MR. LAWRENCE: I believe so, yes. And  
23 technically --

24 MR. SHEPHERD: And that's identified in  
25 these training matrixes?

1 MR. LAWRENCE: Yes. Yes. And again, I'd  
2 have to specifically look at what areas would be  
3 regulatory and which would be above. But I believe we  
4 do have, you know, above regulatory training just --

5 MR. SHEPHERD: You said --

6 MR. LAWRENCE: -- employed.

7 MR. SHEPHERD: -- your management system  
8 makes reference to training videos.

9 MR. LAWRENCE: Okay.

10 MR. SHEPHERD: Are you still using those on  
11 board?

12 MR. LAWRENCE: Somewhat, yes. We have them  
13 on board. Again, I'd have to look at the reports they  
14 send in quarterly. As I have to say I haven't got that  
15 involved in -- I know we've -- we have a list of videos  
16 and as far as their use of specific videos, I'm not  
17 sure if it's required or a tool that's available to  
18 them. And again, I'd have to look and see how our  
19 safety manager describes that.

20 MR. SHEPHERD: Okay. Thank you.

21 MR. LAWRENCE: Okay.

22 LCDR [REDACTED] [REDACTED] [REDACTED] With regards to the  
23 -- make sure I understand this, they have monthly  
24 meetings on board the vessels, safety --

25 MR. LAWRENCE: Correct.

1 LCDR [REDACTED] -- meetings. And then you have  
2 quarterly ones in the front office.

3 MR. LAWRENCE: Correct.

4 LCDR [REDACTED] And in regards to the driving  
5 the topic of those meetings, do you guys have a set  
6 annual schedule on what you're going to discuss every  
7 year at the same time? Is there topics --

8 MR. LAWRENCE: In --

9 LCDR [REDACTED] -- kind of laid out every year?

10 MR. LAWRENCE: No, there's on training --  
11 the specific training that they need to have, but I'm  
12 not aware of the safety meetings direction of certain  
13 topics. There may be and I'd have to --

14 LCDR [REDACTED] So what provides --

15 MR. LAWRENCE: -- refresh my memory.

16 LCDR [REDACTED] -- what you're going to talk  
17 about at the safety meetings?

18 MR. LAWRENCE: I'd have to take a look at  
19 our -- if we have. I know that some ships have a  
20 specific form. I don't know if that's actually  
21 dictated or directed from a safety management system.

22 They're -- again, I'd have to take a look at  
23 the -- see which schedule we have up there. I know  
24 they cover a lot of different areas with their safety  
25 meeting and some are more structured, I think, than

1 others --

2 LCDR [REDACTED] Yes.

3 MR. LAWRENCE: -- that I've seen. But  
4 again, I'd have to refresh my memory and look at some  
5 of those documents.

6 LCDR [REDACTED] So has the topic of the meeting  
7 ever been hurricanes and weather routing and with --

8 MR. LAWRENCE: I don't --

9 LCDR [REDACTED] -- how the company's approach to  
10 that is going to be?

11 MR. LAWRENCE: Yes, I don't recall. One  
12 method that I'll utilize when I'm sending a memo out to  
13 the ship, if I'm sending a memo about a maritime  
14 incident that maybe we received from the Coast Guard or  
15 something within the company or some new regulatory  
16 change, many times I'll put on that on my introductory  
17 sheet from that memo. As I attach it, I'll put down  
18 please discuss at your next safety meeting. And --

19 LCDR [REDACTED] Okay.

20 MR. LAWRENCE: -- you know, so I'll give  
21 them some direction as far as that's concerned. The  
22 one that I sent out about the hurricane when I think  
23 Danny was the first hurricane we had in Atlantic, I  
24 sent a specific memo out to the entire fleet. I think  
25 that was in the beginning of August.

1                   And I told them about the characteristics of  
2                   that specific hurricane and then, I said, this is the  
3                   beginning of hurricane season. Here's this one. This  
4                   is what its doing and this is a reminder to all start  
5                   checking all your different requirements you have on  
6                   board for hurricane preparation for different areas.

7                   I put in there for, you know, checking your  
8                   manuals of what's required. I don't recall if I put  
9                   discuss at your next safety meeting or not, but  
10                  typically I can look at that memo and I can see if I  
11                  did. But that's typically how I communicate that to  
12                  the vessel myself.

13                 LCDR [REDACTED] So as far as driving changes to  
14                 the Safety Management System, have any of the safety  
15                 committees from the vessel ever suggested there be a  
16                 section in the Safety Management System with regards to  
17                 hurricanes and the trade route associated with them?

18                 MR. LAWRENCE: I don't. We do have a form  
19                 and that the vessels do submit when they are  
20                 requesting a modification or change to our system that  
21                 they utilize. I do not recall anything about  
22                 hurricanes or any weather we're having right now.

23                 LCDR [REDACTED] Thank you.

24                 MR. KUCHARSKI: Mike Kucharski, NTSB.  
25                 Structural monitoring system, is there one on the --

1 was there one on the El Faro?

2 MR. LAWRENCE: I'm not familiar with that.  
3 You'd have to ask one of the engineers, one of our port  
4 engineers.

5 MR. KUCHARSKI: Well, it's under the  
6 navigation section. It says the bridge officers should  
7 monitor it, so that's why I was asking you.

8 MR. LAWRENCE: Oh, I guess I'm not familiar  
9 with that section.

10 MR. KUCHARSKI: Okay. Does TOTE subscribe  
11 to any type of emergency response service? And I'm  
12 talking about for spill prevention, any other, like  
13 different classification societies as a separate  
14 service order offer emergency response for major  
15 shipboard --

16 MR. LAWRENCE: Well, the only one that comes  
17 to mind is the ABS rapid response, RRDA, the rapid  
18 response, D stand for -- assessment, damage. There we  
19 go Rapid Response Damage Assessment. We do subscribe  
20 to that from the American Bureau of Shipping.

21 MR. KUCHARSKI: So you can plug into them  
22 and the ship can plug into them directly if they have  
23 some kind of an incident?

24 MR. LAWRENCE: Correct. I'm not sure if the  
25 ship plugs in directly or they go through the office

1 for that. I'm not quite exactly sure how that works.  
2 I'd have to, again, refresh my memory looking at it.  
3 But we do have a contract with ABS on the RRDA.

4 We looked at that from the El Faro incident  
5 here too and put them in touch with our salvage  
6 contractors. We had put the ABS in contact with them  
7 if we needed any of that information to run different  
8 models and programs.

9 MR. KUCHARSKI: But you're not aware of any  
10 direct asset for the master to tap into in an emergency  
11 situation directly to engineering types or naval  
12 architect types or something?

13 MR. LAWRENCE: I'm not aware of it myself,  
14 no.

15 MR. KUCHARSKI: Okay.

16 MR. [REDACTED] Sir, [REDACTED] [REDACTED] with the  
17 Coast Guard. The SMS has a lot regarding stability and  
18 what's to be done on the shipboard side. What  
19 oversight or interface is there on the vessel stability  
20 for shore side?

21 MR. LAWRENCE: Again, I think that would  
22 have to be directed towards the Director of Ship  
23 Management or the port engineers because they have that  
24 relationship -- the more direct relationship with the  
25 vessel. And possibly the -- our owners as well as TOTE

1 Maritime, dealing with the cargo issues of the vessel  
2 who actually -- I mean, they're the ones that actually  
3 do the stability and the planning of the cargo for the  
4 vessels to my understanding.

5 MR. [REDACTED] Okay.

6 MR. LAWRENCE: We don't get involved, or I  
7 don't get involved in that, let's put it that way.

8 MR. [REDACTED] What about cargo latching,  
9 would that be the same --

10 MR. LAWRENCE: There are --

11 MR. [REDACTED] -- as far as testing of the  
12 lashings and regular maintenance --

13 MR. LAWRENCE: That would again --

14 MR. [REDACTED] -- on that.

15 MR. LAWRENCE: -- be directed towards the  
16 TOTE Maritime personnel and our port engineers. There  
17 is a -- and again, I'm not familiar with these specific  
18 vessels, but there is a lashing manual typically  
19 required to be approved for vessels that latch  
20 containers on board. Again, that's not within our --  
21 my Safety Management System part.

22 MR. [REDACTED] Thank you.

23 MR. KUCHARSKI: One last round around the  
24 room for any general questions, for any more questions.

25 MS. BELL: I have just a general question.



1 This is Carrie Bell, NTSB. We interviewed your  
2 assistant, Ms. Finsterbush. She mentioned something  
3 about on the day of the accident, the day -- you  
4 received the phone call --

5 MR. LAWRENCE: Right.

6 MS. BELL: -- and the incident command team  
7 was set up. She mentioned something about a  
8 documentation file that was set up. Do you know  
9 anything about that or what that was?

10 MR. LAWRENCE: There was a documentation  
11 file set up. And I think it was probably led by either  
12 Gallagher Marine or we had our assistants from Foss,  
13 one of our sister companies. Scott Merrill, who  
14 basically does that part for Foss as far as emergency  
15 response, and is very familiar with the incident  
16 command, the SES system. So -- and I was the incident  
17 commander, but I wasn't aware of specifically where  
18 that was being kept.

19 MS. BELL: So what kind of information would  
20 be contained in that file?

21 MR. LAWRENCE: I'm not sure. I think it was  
22 just any of the documents that were coming in just from  
23 the incident, anything that we were tracking. My  
24 understanding is we just kept that as an overall, kind  
25 of a open box to if you didn't know where certain

1 things went into, you put it in there. It's more of a  
2 lot of notations and things.

3 But, yes, I'm not sure what ended up in  
4 there. At this point we closed out the incident  
5 command center just yesterday, so we still got a pile  
6 of paperwork to go through.

7 MS. BELL: You said you did close it  
8 yesterday?

9 MR. LAWRENCE: We closed it yesterday. We  
10 still continue. We closed the actual incident command  
11 center down yesterday, but I'm still continuing as we  
12 still have assets out there right now. They're  
13 bringing a life boat back. And I got another tugboat  
14 doing a final search out there today. And so we're --  
15 so I'm still dealing with the salvage group right now  
16 to complete that.

17 MS. BELL: Okay. And what do you do with  
18 this file once this is completed? Do you --

19 MR. LAWRENCE: I --

20 MS. BELL: -- you know, have a plan?

21 MR. LAWRENCE: -- go through them and file  
22 them. To be honest with you, this is the first  
23 emergency I've been through like this and that's why we  
24 bring in Gallagher Marine, who are the experts on  
25 dealing with the incident command system and the

1 paperwork involved.

2 I'm familiar with all the paperwork, gone  
3 through a lot of drills, especially for oil spill  
4 response, but that's where we look forward to them to  
5 kind of put everything together and put it in the right  
6 place. So I've got a lot of reports to still go  
7 through and separate from junk mail.

8 MS. BELL: Okay. Thank you.

9 MR. LAWRENCE: Okay.

10 LCDR [REDACTED] Coast Guard. Are we  
11 just asking general questions now or are we still on  
12 copy? Mike, just general questions?

13 MR. KUCHARSKI: General questions, yes.

14 LCDR [REDACTED] Okay.

15 MR. KUCHARSKI: Yes.

16 LCDR [REDACTED] So I'd like to just ask a  
17 question about Section 9.7 where it talks about  
18 watertight doors, opening and closing them. And it  
19 states that any time a watertight door is open or  
20 closed, I see it's supposed to be logged in the log  
21 book. Is that a log book for watertight doors or is  
22 that in the main log or the original --

23 MR. LAWRENCE: I'm --

24 LCDR [REDACTED] -- or where would that be logged  
25 at?

1 MR. LAWRENCE: I'm not certain. I'm not  
2 sure how it would be done on that specific vessel, so I  
3 really can't speak to where they were logging it.

4 LCDR [REDACTED] Okay. Thank you.

5 MR. YOUNG: This is Brian Young with the  
6 NTSB. One last question. Since you've taken over as  
7 DP, have you reviewed the entire SMS system?

8 MR. LAWRENCE: I've reviewed it a number of  
9 times. Reading everything word for word and not  
10 missing a word, I can't actually say that. I probably  
11 have, but I haven't sat down and read it from cover to  
12 cover in one or two sittings. It's more of just going  
13 to specific sections that I need at the time.

14 MR. YOUNG: Thank you.

15 MR. KUCHARSKI: Last questions? Thank you,  
16 Captain, for putting up with us and all the myriad of  
17 questions and everywhere we went. Thanks for letting  
18 us pull you away. We know it's a traumatic experience  
19 that you're still living through and thank you.

20 MR. LAWRENCE: Okay.

21 MR. KUCHARSKI: That will close.

22 MR. LAWRENCE: Thank you.

23 MR. KUCHARSKI: It's 1536.

24 (Whereupon, the above-entitled matter went  
25 off the record at 3:36 p.m.)

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C E R T I F I C A T E

MATTER: El Faro Incident  
Accident No. DCA16MM001  
Interview of John Lawrence  
Jacksonville, Florida

DATE: 10-13-15

I hereby certify that the attached transcription of page 1 to 147 inclusive are to the best of my professional ability a true, accurate, and complete record of the above referenced proceedings as contained on the provided audio recording; further that I am neither counsel for, nor related to, nor employed by any of the parties to this action in which this proceeding has taken place; and further that I am not financially nor otherwise interested in the outcome of the action.

  
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13 - NTSB Response to Lawrence Final Transcript Errata (3rd Interview)NTSB RESPONSE (in bold blue)  
TABLE OF CORRECTIONS TO TRANSCRIPT  
OF INTERVIEW FOR JOHN LAWRENCE  
TAKEN ON OCTOBER 14, 2015

PAGE	LINE	CURRENT WORDING	<b>SUGGESTED CORRECTED WORDING</b>	<b>NTSB RESPONSE</b>
6	1	company	country	<b>AGREE</b>
6	21	was	was on	<b>Do not agree. Transcript correct as is.</b>
19	11	that	than	<b>AGREE</b>
29	11	that	what	<b>Do not agree. Transcript correct as is.</b>
29	16	audits for	audits. For	<b>Do not agree. Transcript correct as is.</b>
29	17	why	why they	<b>Do not agree. Transcript correct as is.</b>
30	3	in	on	<b>Do not agree. Transcript correct as is.</b>
30	4	Long	Blount	<b>AGREE</b>
35	5	various	it varies	<b>Do not agree. Transcript correct as is.</b>
35	9	bother.	bother with.	<b>Do not agree. Transcript correct as is.</b>
41	12	shipping	chipping	<b>AGREE</b>
41	16	to	to do	<b>AGREE</b>
43	9	contractors	contractors'	<b>Do not agree. Transcript correct as is.</b>
47	8	A	in	<b>Do not agree. Transcript correct as is.</b>
47	22	problems	problem	<b>Do not agree. Transcript correct as is.</b>
49	15	invites	writes	<b>AGREE</b>
50	6	done	done one	
50	16	they wheel	the Wheeler,	<b>AGREE</b>
55	13	vessels officers	vessel's officer	<b>AGREE</b>
59	8	a	an	<b>Do not agree. Transcript correct as is.</b>
61	5	Kaderite	Cadorette	<b>AGREE</b>
65	21	plan	planned	<b>AGREE</b>
66	12	plan	planned	<b>AGREE</b>
69	12	them	the	<b>AGREE</b>
71	13	scenarios	scenario	<b>Do not agree. Sounds like "an area"</b>
72	18	Kaderite	Cadorette	<b>AGREE</b>
78	15	it	I	<b>AGREE</b>

80	19	call	ring_	Do not agree. Transcript correct as is.
84	1	Kaderite	Cadorette	AGREE
85	7	Kaderite	Cadorette	AGREE
86	23	chip	ship	AGREE
93	10	Kaderite	Cadorette	AGREE
95	4	SNS	SMS	AGREE
103	16	an	any	AGREE
103	19	side	Other side	Do not agree. Transcript correct as is.
105	20	talked	talk	Do not agree. Transcript correct as is.
107	17	cabins	captains	AGREE
108	7	worked	work	AGREE
108	9	we're	we hire	Do not agree. Sounds like "more of"
108	24	Agreed	Agree	AGREE
111	25	Our	With our	AGREE
114	19	safety manager	safety management system	AGREE
120	8	latching	lashing	AGREE
120	19	latch	lash	AGREE
121	16	SES	ICS	AGREE

If to the best of your knowledge, no corrections are needed kindly circle the statement "no corrections needed" and initial in the space provided.

NO CORRECTIONS NEED. \_\_\_\_

JOHN LAWRENCE Initials

Printed Name of Person providing the above information

[Redacted Signature] R--

Signature of Person providing the above information